

City Hall  
80 Broad Street  
July 20, 2010  
5:00 p.m.

## **CITY COUNCIL**

**A. Roll Call**

**B. Invocation - Councilmember White**

**C. Pledge of Allegiance**

**D. Presentations and Recognitions:**

1. Proclamation: Robert Dickson

**E. Public Hearings:**

1. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1611 Pinecrest Road (*Pinecrest Gardens - West Ashley*) (0.29 acre) (TMS #351-12-00-057), annexed into the City of Charleston June 15, 2010, be zoned Single & Two Family Residential (STR) classification.

2. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1215 Camelia Road (*Pinecrest Gardens - West Ashley*) (0.14 acre) (TMS #351-12-00-049), annexed into the City of Charleston June 15, 2010, be zoned Single-Family Residential (SR-2) classification.

3. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1277 Ashley Hall Road (*Fairfield Pines - West Ashley*) (0.13 acre) (TMS #351-12-00-117), annexed into the City of Charleston June 15, 2010, be zoned Single-Family Residential (SR-2) classification.

4. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that To zone 1253 Wisteria Rd (*Pinecrest Gardens - West Ashley*) (0.22 acre) (TMS #351-12-00-109), annexed into the City of Charleston May 25, 2010, be zoned Single-Family Residential (SR-2) classification.

5. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 3333 Maybank Hwy (*Johns Island*) (1.147 acres) (TMS #279-00-00-191), annexed into the City of Charleston May 25, 2010, be zoned General Office (General Office) classification.

6. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1943 Woodland Road (*West Ashley*) (9.048 acres) (TMS #355-16-00-001), be zoned Planned Unit Development (PUD) classification.

7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to update the reference to the "Official Zoning Map" to include digital zoning data stored in the City of Charleston Geographic Information System.

**F. Act on Public Hearing Matters**

**G. Approval of City Council Minutes:**

1. June 15, 2010

**H. Citizen Participation Period**

**I. Petitions and Communications:**

1. Discussion and Report from the Rhodia Plant and Charleston Fire Department (*Councilmember Gallant's request*)
2. A Resolution relating to School Choice (*Councilmember Alexander's request*)
3. Discussion on Buy Local Preference (*Councilmember Seekings' request*)
4. Update on Charleston County's Aviation Authority Application Process by Corporation Counsel
5. Report on voting matters by Corporation Counsel
6. Appointments: Board of Zoning Appeals-Site Design
7. Appointments: Colonial Commons and Ashley River Embankment

**J. Standing Committee Reports:**

1. Recreation Commission: (Meeting held on Monday, June 28, 2010)  
(An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 22, to repeal said Chapter and to replace it with a new Chapter 22 to provide for the separation of the Recreation Department and the Parks Department, to update Park, Park Facility, Recreational Facility and Playground Rules, to amend the number for a quorum for the Recreation Committee, and to change the responsibilities for developing and overseeing the City's street lighting functions from the Public Service Department to the Parks Department.
2. Committee on Recreation: (Meeting held on Monday, July 19, 2010 at 5:30 p.m.)  
(An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 22, to repeal said Chapter and to replace it with a new Chapter 22 to provide for the separation of the Recreation Department and the Parks Department, to update Park, Park Facility, Recreational Facility and Playground Rules, to amend the number for a quorum for the Recreation Committee, and to change the responsibilities for developing and overseeing the City's street lighting functions from the Public Service Department to the Parks Department.

3. **Committee on Traffic and Transportation: (Meeting held on Tuesday, July 6, 2010)**  
(An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 91(4) to expand the area where toy vehicles are prohibited from riding on the sidewalks; to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 101 through 120, to repeal the mandatory requirement that all bicycles in the City of Charleston must be registered with the City of Charleston Police Department; to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 121 and 122 to require that all bicyclists obey traffic laws and traffic control signals; to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 123 to provide for the manner in which bicycles may be parked on public property; to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 124 to permit the removal and disposal of abandoned bicycles; and to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 125 to expand the area  
(A Resolution to authorize the City's Traffic and Transportation Department to add an additional two tokens to the six month Rickshaw Pilot Program increasing the number of tokens from six to eight that may be issued exclusively during the evening and weekend hours during the Pilot Program which began on May 1, 2010 and ends on November 1, 2010.  
(Applications for Original Certificate of Public Convenience Staff and Necessity Certificate for Taxi Cab/Public Car:  
Gail C. Fisher DBA L G Taxi
4. **Committee on Public Works and Utilities: (Meeting held on Monday, July 19, 2010)**  
(Staffordshire Subdivision- Needwood Forest Road (50' r/w), Chilhowee road (50' r/w), Thorpe Constantine Avenue (50' r/w), Sheen Drive (50' r/w), Waterfall Place (50' r/w).  
(Carolina Bay Ph 5C (Ricefield)- Hockley Blvd. (50' r/w), Gallberry Street (50' r/w), Cornsilk Drive (50' r/w).  
(Carolina Bay Drive Extension -(r/w varies), Conservancy Lane (50' r/w).  
(Carolina Bay 7A (Cypress)- Amberhill Way (50' r/w), Pleasant Hill Drive (50' r/w), Pixley Street (50' r/w).  
(Carolina Bay 5D (Ricefield)- Cornsilk Drive ( 50' r/w), Halfshell Lane (50' r/w), Hockley Blvd. (50' r/w).  
(Carolina Bay (Saddles)-Marginal Road (50' r/w). "New Road Right of Way.
5. **Committee on Ways and Means:**  
(Bids and Purchases  
(Police Department: Community Based Violence Prevention Demonstration Program Grant Application \$2,216,838 (No City Match) *US Department of Justice Program, Office of Juvenile Justice and Delinquency Prevention*  
(Police Department: 2009 Port Security Grant Application \$312,500 (City Match \$78,125) *US Department of Homeland Security*  
(Fire Department: 2010 Port Security Grant Application \$329,925 (No City Match) *US Department of Homeland Security*

- (Office of Cultural Affairs: Concert to Commemorate the Sesquicentennial of the Civil War Grant Application \$10,000 (No City Match) *The Post and Courier Foundation*
- (Office of Cultural Affairs: 2011 Piccolo Spoleto Festival Spotlight of Concert Series Grant Application \$5,000 (No City Match) *The Post and Courier Foundation*
- (Office of Cultural Affairs: 2010 MOJA Arts Festival Grant Application \$5,000 (No City Match) *The Post and Courier Foundation*
- (Police Department: Controlled Substance Analyst for the Forensic Services Division Grant Acceptance \$55,161 (City Match \$2,903) *South Carolina Department of Public Safety- Office of Justice Program*
- (Police Department: Partnership for Drug-Free America Grant Acceptance \$5,000 (No City Match) *American Recovery and Reinvestment Act*
- (Fire Department: Charleston Type II Search and Rescue Response Team Grant Acceptance \$25,000 (No City Match) *South Carolina Law Enforcement Division*
- (Public Service: Church Creek Drainage Improvement Project Grant Acceptance \$144,000 (City Match \$117,818) *US Environmental Protection Agency Account #050342-52240*
- (Office of Cultural Affairs: 2011 Piccolo Spoleto Spotlight on Concert Series Grant Acceptance \$6,000 (No City Match) *The Henry and Sylvia Yaschik Foundation*
- (Office of Cultural Affairs: 2010 MOJA Arts Festival Grant Acceptance \$1,000 (No City Match) *The Henry and Sylvia Yaschik Foundation*
- (Memorandum of Understanding for the Charleston Promise Neighborhood
- (An ordinance to provide for the issuance and sale of \$19,000,000 General Obligation Bonds of 2010 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.
- (Purchase Agreement and Acceptance of Deed of a portion of the southeastern quadrant of Bees Ferry and Glenn McConnell Intersection for the future right-of-way for the West Ashley Circle.
- (Exclusive Storm Water Drainage Easement with SPC Investments, LLC
- (2010 Vendor Franchise Agreements (*Ordinance*)
- (Consider the following annexations (*2 ordinances*)
  - 1. 1459 Cecilia Drive TMS# 352-09-00-041
  - 2. 238 Nelliefield Creek Drive TMS# 269-01-04-016

*Give first reading to the following bills and adopt resolutions coming from Ways & Means:*

1. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston franchise agreements with Josh Kent d/b/a Charleston Ice, David Landy, Ping Li and Marvin Smith d/b/a Burrito Man for certain designated spaces within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from stationary carts or other devices.
2. An ordinance to provide for the issuance and sale of \$19,000,000 General Obligation Bonds of 2010 of the City of Charleston, South Carolina, to prescribe the purposes

for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.

3. An ordinance to provide for the annexation of property known as 1459 Cecilia Drive (0.303 acres) (TMS#: 352-09-00-041), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 9.

4. An ordinance to provide for the annexation of property known as 238 Nelliefield Creek Drive (0.14 acres) (TMS#: 269-01-04-016), Cainhoy, Berkeley County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 4.

**K. Bills up for Second Reading:**

1. An ordinance to amend the zoning ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 56 Halsey Blvd (Mason Preparatory School – Harleston Village - Peninsula) (0.15 acre) (a portion of TMS# 457-02-04-046), be rezoned so as to be included in the School Overlay Zone (S) classification.

2. An ordinance amending Ordinance No. 1993-416, as previously amended by Ordinances No. 1996-237, 1998-183 and 1999-04, in order to supplement the plan for the redevelopment of such area by describing the redevelopment projects and to extend the maximum term of maturity of obligations to be issued under the plan, each as established by Ordinance No. 1993-416, as amended. (***Gaillard Municipal Auditorium Redevelopment***)

3. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Article III, Division I to provide maintenance standards for vacant structures.

4. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 7, Article IV, Housing, Section 71 through 115, to make certain administrative changes to the article to bring the requirements and notice procedures of the article into compliance with state law, to provide for criminal trespass, and to renumber certain sections of the article.

5. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 22, to repeal said Chapter and to replace it with a new Chapter 22 to provide for the separation of the Recreation Department and the Parks Department, to update Park, Park Facility, Recreational Facility and Playground Rules, to amend the number for a quorum for the Recreation Committee, and to change the responsibilities for developing and overseeing the City's street lighting functions from the Public Service Department to the Parks Department. (***As Amended***)

6. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 28, Article III, to reinsert the approval of permissive encroachments which was removed from the City's Code by ordinance amendment 1996-158

7. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 13, Section 10, to define and prohibit open burning.

8. An ordinance to amend the Code of the City of Charleston to add new Sections 2-183, 2-184, 2-185, 2-186, 2-187 and 2-188 therein to provide for the creation of the special

events committee and its duties and responsibilities; to establish the procedures and requirements for the issuance of special event and temporary use event permits. **(As Amended)**

9. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Article VIII, Division 3, Section 272 to increase the number of one day residential parking permits allowed to be purchased annually from one book of thirty (30) permits to two books of thirty (30) permits and to provide the specifications for how a permit is to be completed and displayed.

10. An ordinance to provide for the annexation of property known as 1632 Pinecrest Road (0.15 acres) (TMS#: 351-12-00-073), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7.

11. An ordinance to provide for the annexation of property known as 1634 Boone Hall Road (0.34 acres) (TMS#: 353-14-00-138), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 7.

12. An ordinance to provide for the annexation of property known as 1943 Woodland Drive (9.00 acres) (TMS#: 355-16-00-001), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 2.

13. An ordinance to amend Chapter 17, Sections 92 and 101 of the Code of the City of Charleston to increase the age limit for a palmetto artisan's permit from 16 to 17 years of age and to authorize the denial of a palmetto artisan's permit for five or more documented violations of the City of Charleston's Youth Palmetto Art and Business Program, and to require bi-annual licensing of palmetto artisans. **(As Amended)**

**L. Bills up for first reading:**

1. An ordinance to designate the Country Club Neighborhood as an underground utility district for non-standard service in accordance with Sections 30-171 through 30-177 of the Code of the City of Charleston, said district being located in the City and County of Charleston, State of South Carolina, and being more fully described in Exhibit A, attached hereto and incorporated by reference herein.

**M. Miscellaneous Business:**

1. The next regular meeting of City Council will be Tuesday, August 17, 2010 at 5:00 p.m. at City Hall.



DI

# City of Charleston

Joseph P. Riley, Jr.  
Mayor

## PROCLAMATION

WHEREAS; **MUSIC IS THE FOOD FOR THE SOUL;** and

WHEREAS; **ROBERT'S** Restaurant is famous for having Charleston's only singing chef; and

WHEREAS; opened in 1976, **ROBERT'S** was the longest-running, single-owner, chef-owned restaurant in Charleston; and

WHEREAS; **ROBERT'S** was among the first to "enliven" Market Street and the City of Charleston as a dining destination; and

WHEREAS; **ROBERT'S** has been located at Rainbow Market, Planters Inn, and most recently on East Bay Street for the past ten years; and

WHEREAS; **ROBERT'S** originally served lunch and dinner, with the lines out the door of the Rainbow Market on to Market Street, which led to the opening of **ROBERT'S Other Place**, serving lunch for several years, with a walk-through cook shop—one of Charleston's first!; and

WHEREAS; **ROBERT'S** was touted by Willard Scott as "The Best Restaurant in the World" on *Good Morning America* and featured on Charles Kuralt's "On the Road;" and

WHEREAS; **ROBERT'S** hosted Tom Brokaw and Jane Pauley at the opening of Charleston's first Spoleto Festival USA; and

WHEREAS; **ROBERT'S** was graced with famous diners such as Gian Carlo Menotti, Willard Scott, Walter Cronkite, Secretary of State McNamara, the Joint Chiefs of State of the Big Eight, General Westmoreland, Mayor Joseph P. Riley, Jr., and other dignitaries of churches and states, bishops, ambassadors, senators and congressmen; and also actors such as Flip Wilson, Eva Marie Saint, Ernest Borgnine, Celeste Holm and many others; and

WHEREAS; **ROBERT'S** was managed by **ROBERT DICKSON** and daughter, MariElena Dickson Raya, chef de cuisine and son-in-law, Joseph Raya, maitre d', sommelier and dining room manager; and

WHEREAS; **ROBERT DICKSON** was the heart and soul of **ROBERT'S** and made it the fabulous restaurant that it was.

NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor, City of Charleston, do hereby extend sincere appreciation to **ROBERT DICKSON** for his music, wonderful cuisine and great service at **ROBERT'S** for so many years, and extend to him our congratulations for the lasting memories of a night at **ROBERTS**.

Joseph P. Riley, Jr., Mayor



P.O. Box 652, Charleston, South Carolina 29402  
843-577-6970 Fax 843-720-3827



## PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, July 20, 2010, beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

### ZONINGS

To zone the following properties annexed into the City of Charleston:

1. 1611 Pinecrest Road (*Pinecrest Gardens - West Ashley*) (0.29 acre)  
(TMS# 351-12-00-057) Single and Two-Family Residential (STR).
2. 1215 Camelia Road (*Pinecrest Gardens - West Ashley*) (0.14 acre)  
(TMS# 351-12-00-049) Single-Family Residential (SR-2).
3. 1277 Ashley Hall Road (*Fairfield Pines - West Ashley*) (0.13 acre)  
(TMS# 351-12-00-117) Single-Family Residential (SR-2).
4. 1253 Wisteria Road (*Pinecrest Gardens - West Ashley*) (0.22 acre)  
(TMS# 351-12-00-109) Single-Family Residential (SR-2).
5. 3333 Maybank Highway (*Whilden - Johns Island*) (1.147 acres)  
(TMS# 279-00-00-191) General Office (GO).
6. 1943 Woodland Road (*West Ashley*) (9.048 acres)  
(TMS# 355-16-00-001) Planned Unit Development (PUD).

### ORDINANCE AMENDMENT

To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to update the reference to the "Official Zoning Map" to include digital zoning data stored in the City of Charleston Geographic Information System.

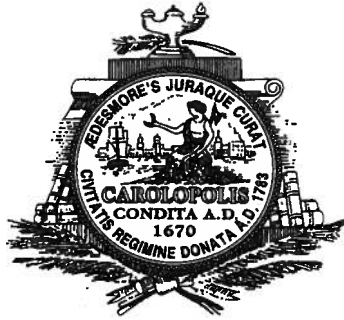
VANESSA TURNER-MAYBANK

Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL interpretation, or other accommodation please contact Mariah Dodson at (843) 724-3730 or mail to [dodsonm@ci.charleston.sc.us](mailto:dodsonm@ci.charleston.sc.us) three days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, July 4, 2010. Charge account C-163580. **Blanket PO# PR100081**

Please insert in the Chronicle as a Display Ad on Wednesday, July 7, 2010. **Purchase Requisition Number PR104204**



51  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1611 PINECREST ROAD (*PINECREST GARDENS - WEST ASHLEY*) (0.29 ACRE) (TMS #351-12-00-057), ANNEXED INTO THE CITY OF CHARLESTON JUNE 15, 2010, BE ZONED SINGLE & TWO FAMILY RESIDENTIAL (STR) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof.

1611 Pinecrest Road (*Pinecrest Gardens - West Ashley*) (0.29 acre) (TMS #351-12-00-057)

Section 2. That the said parcel of land described above shall be zoned Single & Two Family Residential (STR) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord  
2010, in the 235<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

### Zoning 1

1611 Pinecrest Rd (Pinecrest Gardens - West Ashley)

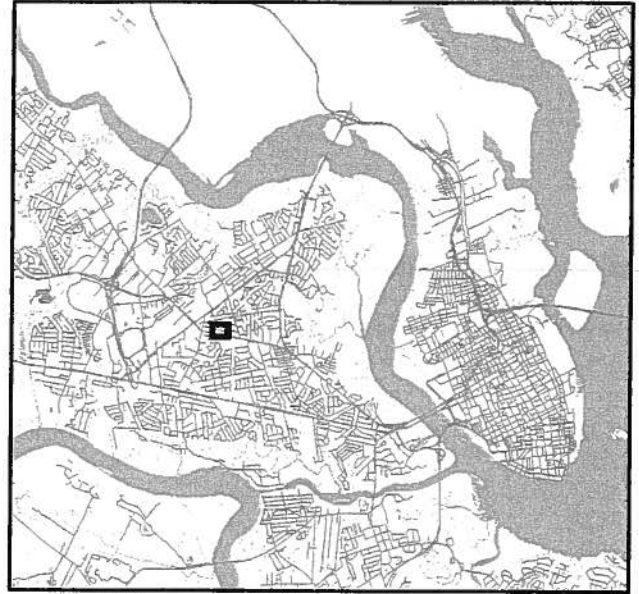
TMS# 3511200057

0.29 acre

Request zoning of Single and Two-Family Residential (STR).  
This property was zoned Mixed Style Residential (M-12) in  
Charleston County.

Owner: Mehdi and Zohreh Rahimi

Area



Location





EQ

Refutation  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1215 CAMELIA ROAD (*PINECREST GARDENS - WEST ASHLEY*) (0.14 ACRE) (TMS #351-12-00-049), ANNEXED INTO THE CITY OF CHARLESTON JUNE 15, 2010, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1215 Camelia Road (*Pinecrest Gardens - West Ashley*) (0.14 acre) (TMS #351-12-00-049)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-2) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord  
2010, in the 235<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

### Zoning 2

1215 Camella Rd (Pinecrest Gardens - West Ashley)

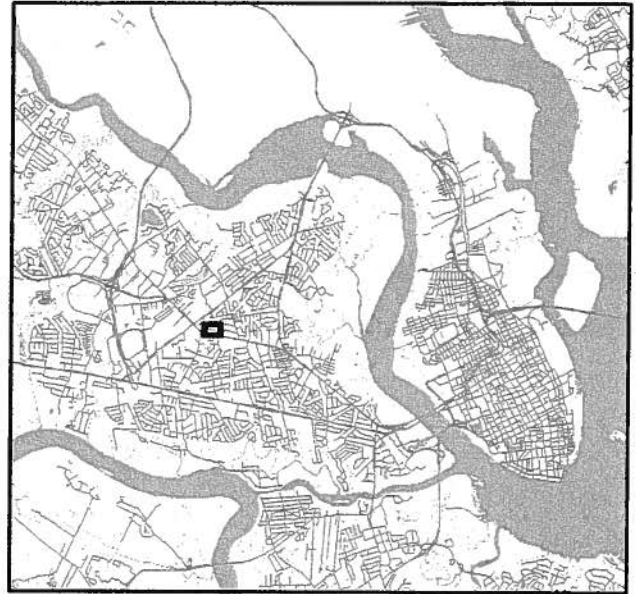
TMS# 3511200049

0.14 acre

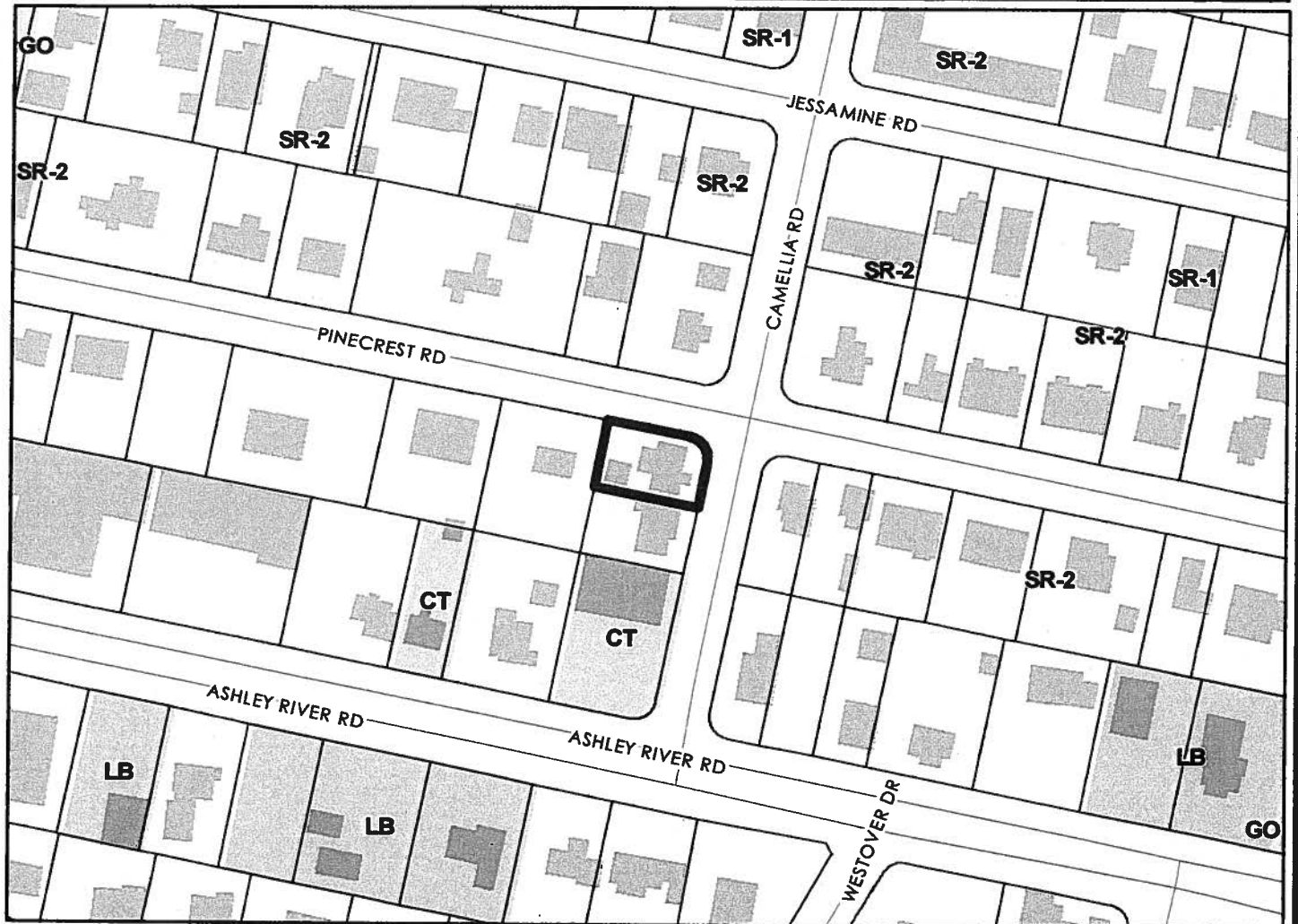
Request zoning of Single-Family Residential (SR-2).  
This property was zoned Residential Suburban (R-4) in  
Charleston County.

Owner: Aubree Hirschmann & Michael Rarcliffe, Jr.

Area



Location





E3

Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1277 ASHLEY HALL ROAD (*FAIRFIELD PINES - WEST ASHLEY*) (0.13 ACRE) (TMS #351-12-00-117), ANNEXED INTO THE CITY OF CHARLESTON JUNE 15, 2010, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1277 Ashley Hall Road (*Fairfield Pines - West Ashley*) (0.13 acre) (TMS #351-12-00-117)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-2) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord  
2010, in the 235<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

### Zoning 3

1277 Ashley Hall Rd (Fairfield Pines - West Ashley)

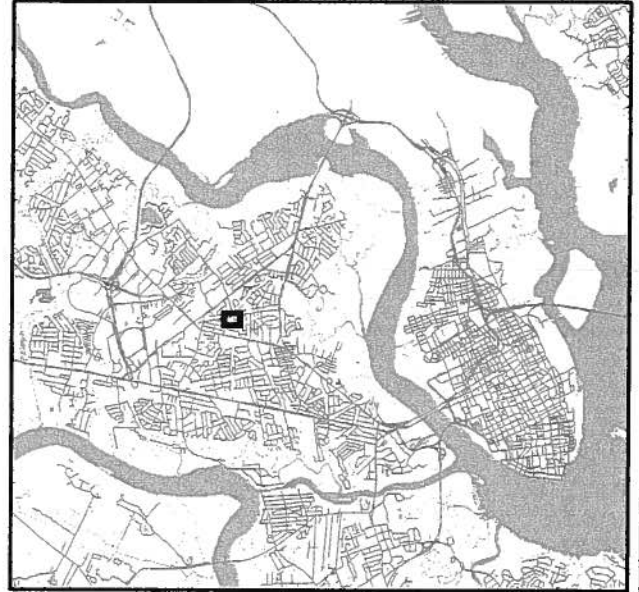
TMS# 3511200117

0.13 acre

**Request zoning of Single-Family Residential (SR-2).  
This property was zoned Residential Suburban (R-4) in  
Charleston County.**

**Owner: Patricia Sweat**

Area



Location



E4



Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1943 WOODLAND ROAD (*WEST ASHLEY*) (9.048 ACRES) (TMS #355-16-00-001), BE ZONED PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1943 Woodland Road (*West Ashley*) (9.048 acres) (TMS #355-16-00-001)

Section 2. That the said parcel of land described above shall be zoned Planned Unit Development (PUD) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord  
2010, in the 235<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

**Zoning 6**

**1943 Woodland Rd (West Ashley)**

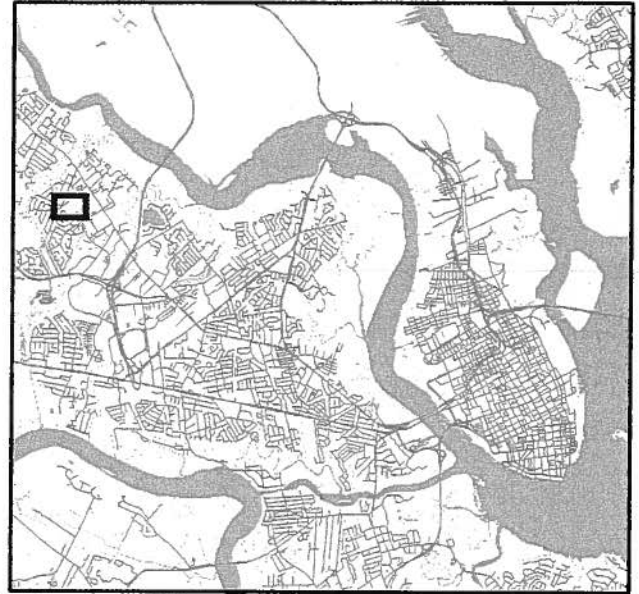
**TMS# 3551600001**

**9.048 acres**

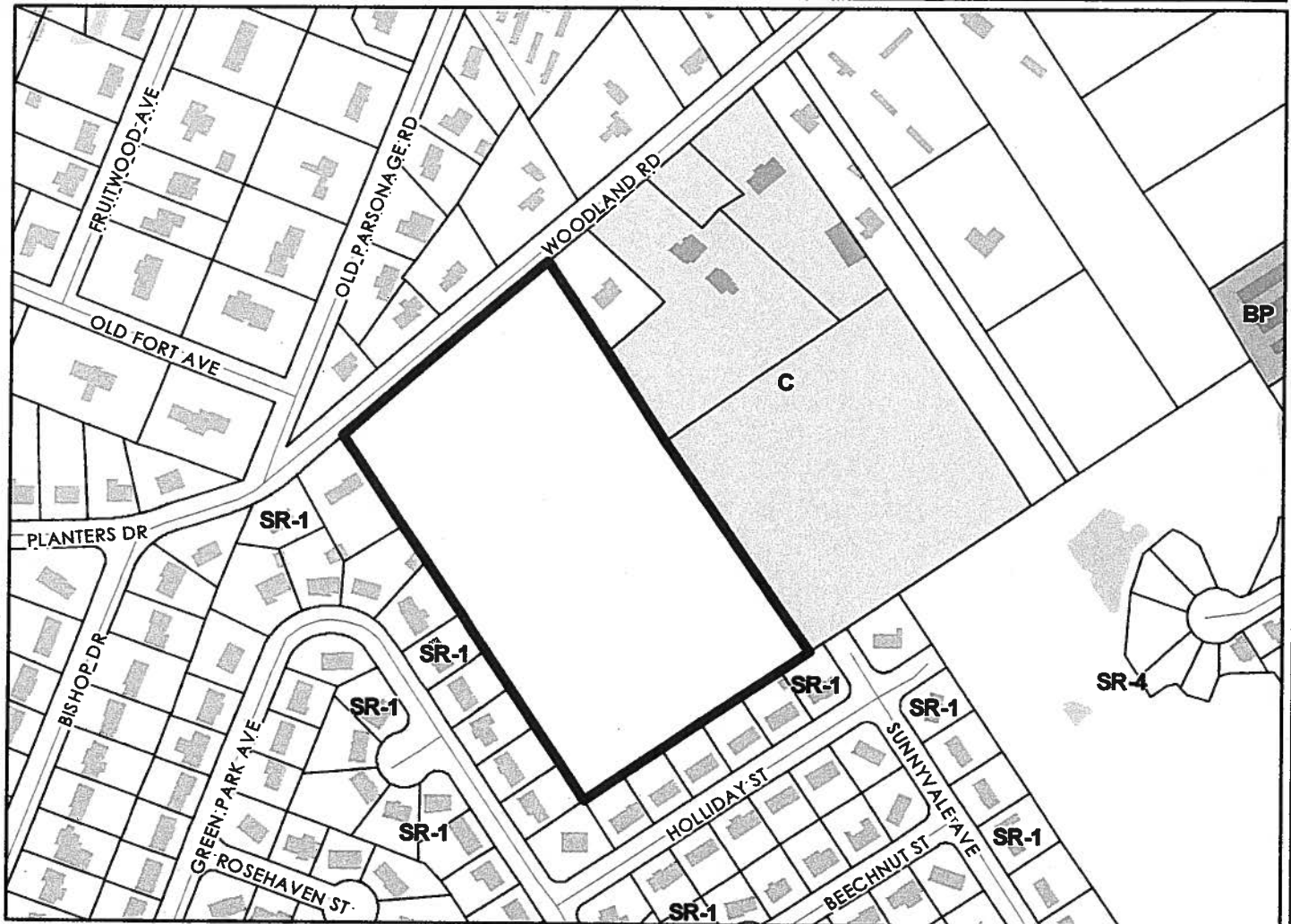
**Request zoning of Planned Unit Development (PUD).  
This property was zoned Residential Suburban (R-4)  
in Charleston County.**

**Owner: Bell Partners, LLC – Joe Beasley  
Applicant: HLA, Inc. – David Lycke**

**Area**



**Location**



ES



Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1253 WISTERIA RD (*PINECREST GARDENS - WEST ASHLEY*) (0.22 ACRE) (TMS #351-12-00-109), ANNEXED INTO THE CITY OF CHARLESTON MAY 25, 2010, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1253 Wisteria Rd (*Pinecrest Gardens - West Ashley*) (0.22 acre) (TMS #351-12-00-109)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-2) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord  
2010, in the 235<sup>th</sup> Year of Independence of the  
United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

### Zoning 4

1253 Wisteria Rd (Pinecrest Gardens - West Ashley)

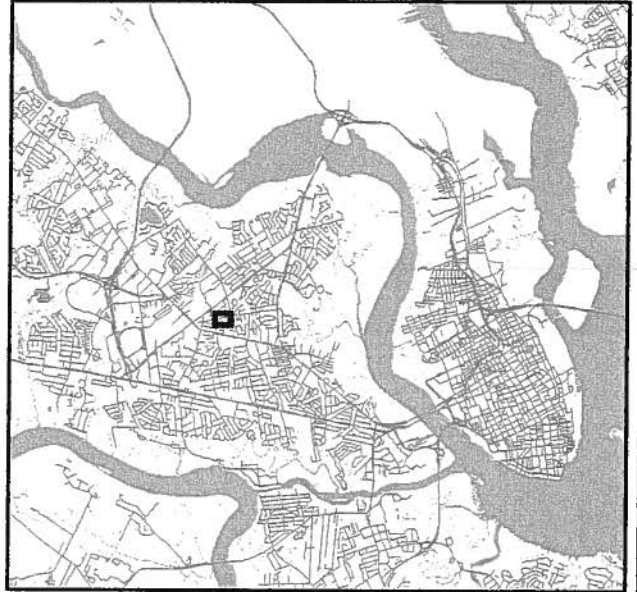
TMS# 3511200109

0.22 acre

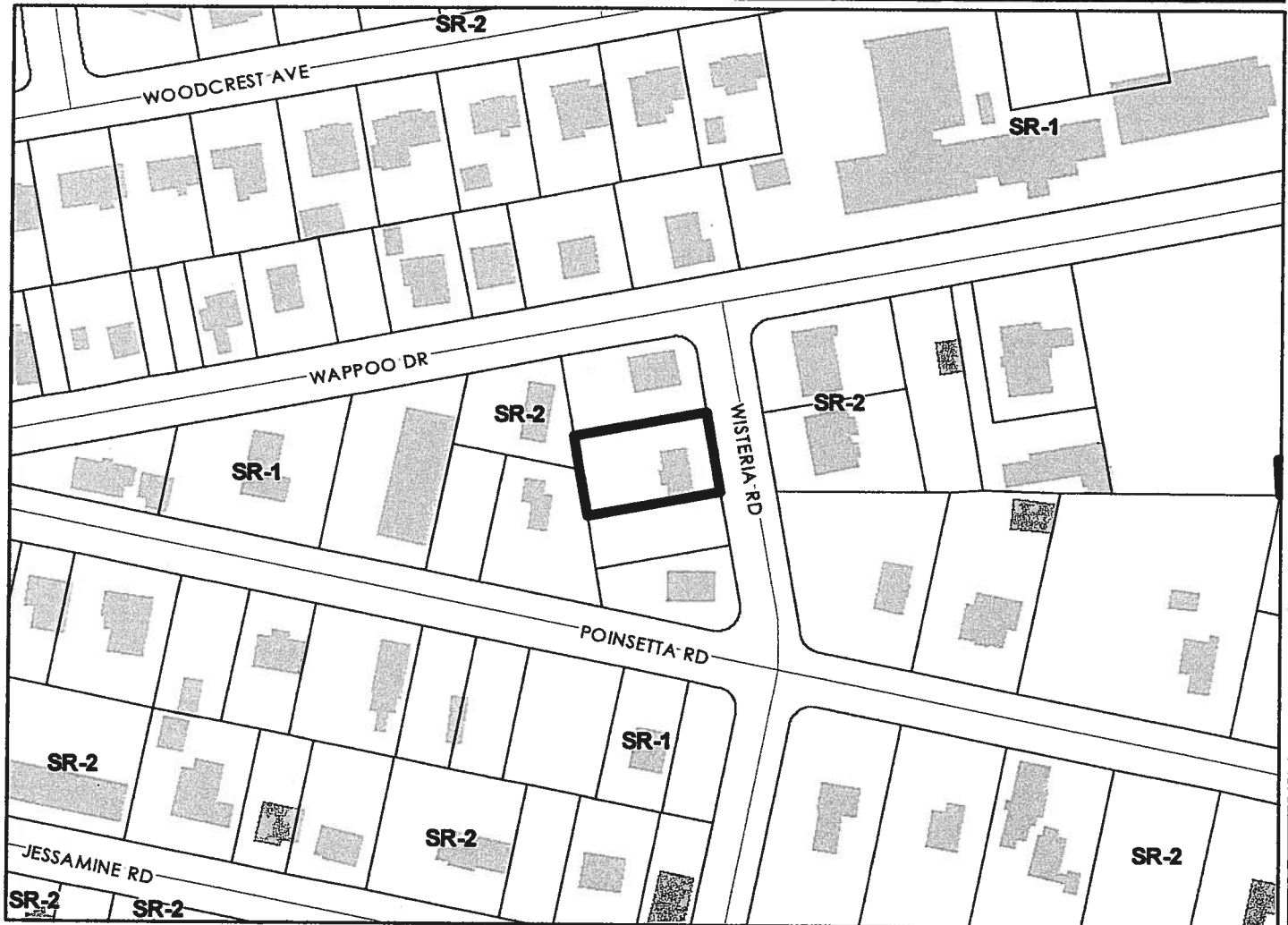
**Request zoning of Single-Family Residential (SR-2).  
This property was zoned Residential Suburban (R-4) in  
Charleston County.**

**Owner: Robert D. Lesslie, Jr.**

Area



Location





66  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3333 MAYBANK HWY (*JOHNS ISLAND*) (1.147 ACRES) (TMS #279-00-00-191), ANNEXED INTO THE CITY OF CHARLESTON MAY 25, 2010, BE ZONED GENERAL OFFICE (GENERAL OFFICE) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof.

3333 Maybank Hwy (*Johns Island*) (1.147 acres) (TMS #279-00-00-191)

Section 2. That the said parcel of land described above shall be zoned General Office (General Office) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord 2010, in the 235<sup>th</sup> Year of Independence of the United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

Attest:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

### Zoning 5

3333 Maybank Hwy (Whilden - Johns Island)

TMS# 2790000191

1.147 acres

Request zoning of General Office (GO).  
This property was zoned Commercial Transition (CT) in  
Charleston County.

Owner: DAC Enterprises, LLC

Area



Location





57  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO UPDATE THE REFERENCE TO THE "OFFICIAL ZONING MAP" TO INCLUDE DIGITAL ZONING DATA STORED IN CITY OF CHARLESTON GEOGRAPHIC INFORMATION SYSTEM.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 1, Part 1 Section 54-101: Basic Provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting the following portion of paragraph (a):

"Said zoning map is set forth on a series of eighty-three grid maps, which shall be and are hereby adopted as the official zoning map of the City of Charleston on the effective date of this ordinance and shall prevail over any other rendition, map or schematic drawing. Such grid maps shall be filed in the office of the Department of Planning and Urban Development."

The deleted text shall be substituted in its place and stead with the following:

"Said zoning map is provided by the digital zoning database stored in the City of Charleston Geographic Information System (GIS) and maintained in the Department of Planning, Preservation and Sustainability, or its successor, and all district designations, boundaries, figures, letters and symbols contained within the official zoning map, are hereby incorporated and declared part of this chapter."

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord, 2010,  
and in the 235<sup>th</sup> Year of the Independence of  
the United States of America

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council



## A RESOLUTION

WHEREAS, each and every child in the City of Charleston faces unique learning challenges and exhibits particular academic strengths; and

WHEREAS, a "public education" is fundamentally a community good, benefiting all citizens in our City and this good is well served by classroom instruction that is student appropriate and academically effective, without regard to the school's status as "public," "private" or independent; and

WHEREAS, the engagement of families and parents is an essential aspect of a student's success in the classroom and his or her development of life long learning habits, as well as our City's esteem and respect for the value of learning; and

WHEREAS, innovation and specialization in education, as in all fields, thrives in an atmosphere where people have the ability to make informed decisions for themselves; and

WHEREAS, broader, more equal access to a wide range of classroom settings, instructional methods and curriculum content represents a major step toward greater equality of academic, economic and personal opportunity; and

WHEREAS the public policies of "School Choice," which extend to both public and private schools, are proven to match students with appropriate classrooms, promote the stated aims of public education, facilitate parental engagement in children's' education, foster excellence through the power of competition, and reduce inequities in access to excellent classroom instruction.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, IN COUNCIL ASSEMBLED, THAT THE CITY CALLS ON STATE LAWMAKERS SERVING IN COLUMBIA TO PASS MEANINGFUL SCHOOL CHOICE LEGISLATION THAT EXTENDS TO ALL CORNERS OF THE STATE.

The above Resolution shall become effective immediately upon its adoption by City Council.

Done this\_\_ day of \_\_\_\_ 2010.

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Joseph P. Riley, Jr., Mayor  
City of Charleston

ATTEST:

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Vanessa Turner-Maybank  
Clerk of Council



16

*City of Charleston*

*Joseph P. Riley Jr.*

*Mayor*

**MEMORANDUM**

To: City Council  
From: Joseph P. Riley, Jr., Mayor  
Subject: Board of Zoning Appeals – Site Design  
Date: July 12, 2010

David Humphreys, who has served as Chairman of the Board of Zoning Appeals – Site Design has recently resigned his position. He has served as the required attorney on the board. I am recommending Adam E. Barr to replace Mr. Humphreys. He is an attorney with Unger and McIntosh, LLC and lives in West Ashley. Mr. Barr will make an excellent board member and I highly recommend him to you. His term will expire in 2013.

In addition, John Lester, the civil engineer on the board is up for reappointment after serving one year. Mr. Lester has been an exceptional board member and I am recommending that he be reappointed to serve a full three year term expiring in 2013.

Both of these individuals are highly recommended and I encourage your approval of their appointment.



*P.O. Box 632, Charleston South Carolina, 29402  
Telephone: 843-577-6970 Fax: 843-720-9827*



I7

*City of Charleston*

*Joseph P. Riley, Jr.*  
*Mayor*

**MEMORANDUM**

**TO:** Members of City Council  
**FROM:** Mayor Joseph P. Riley, Jr.  
**RE:** Colonial Common and Ashley River Embankment Commission Appointments  
**DATE:** July 13, 2010

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I am very pleased to recommend the appointment of the following persons to serve on the Colonial Common and Ashley River Embankment Commission:

1. Eleni Roumel
2. Yvonne Evans

I would appreciate your support in the appointment of these persons to serve on this Commission.

JPR, jr./mmc



*P.O. Box 652, Charleston, South Carolina 29402*

*843-577-6970 Fax 843-720-3527*



13  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 91(4) TO EXPAND THE AREA WHERE TOY VEHICLES ARE PROHIBITED FROM RIDING ON THE SIDEWALKS; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 101 THROUGH 120, TO REPEAL THE MANDATORY REQUIREMENT THAT ALL BICYCLES IN THE CITY OF CHARLESTON MUST BE REGISTERED WITH THE CITY OF CHARLESTON POLICE DEPARTMENT; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 121 AND 122 TO REQUIRE THAT ALL BICYCLISTS OBEY TRAFFIC LAWS AND TRAFFIC CONTROL SIGNALS; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 123 TO PROVIDE FOR THE MANNER IN WHICH BICYCLES MAY BE PARKED ON PUBLIC PROPERTY; TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 124 TO PERMIT THE REMOVAL AND DISPOSAL OF ABANDONED BICYCLES; AND TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 125 TO EXPAND THE AREA WHERE BICYCLES ARE PROHIBITED FROM RIDING ON THE SIDEWALKS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN THE CITY COUNCIL ASSEMBLED:

**Section 1.** Chapter 19, Section 91(4) of the Code of the City of Charleston is hereby amended by deleting the stricken text and replacing it with the underlined text, which shall read as follows:

“Unless designated otherwise, go upon any sidewalk or roadway in a school overlay zone or in ~~an area~~ commercially zoned area within the area bounded on the north by the Crosstown, on the east by the Cooper River, on the south by Broad Street, and on the west by the Ashley River on the peninsula as delineated on the zoning map of the city and as the zoning map may hereafter be amended by the ordinances of the city;”

**Section 2.** Chapter 19, Sections 101 through 120 of the Code of the City of Charleston are hereby amended by deleting the stricken text and replacing it with the underlined text, which shall read as follows:

**"DIVISION 2. BICYCLE REGISTRATION**

**Sec. 19-101. Registration-~~required~~.**

The owner or operator of every bicycle operated or furnished for operation or use, or which is used by either the owner or any other person on the streets or public places in the city ~~shall~~ may cause such bicycle to be registered at the police department, giving the make, model, number and such other description as may be feasible, on a form to be furnished by the police department. Bicycle registrations shall be valid for a period of three years from the date of registration. ~~, which shall be kept on file.~~

**Sec. 19-102. License tags; issuance; attachment to bicycle.**

There shall be issued for each ~~such~~ bicycle registered, as provided in this division, a ~~paper~~-decals license tag containing a number and other appropriate identification information. This ~~paper~~-decals license tag shall be attached to the bicycle for which it was issued.

**Sec. 19-103. Fee for registration and issuance of license tag.**

The fee for registration and issuance of the license tag, as provided in this division, shall be set by City Council and collected by the city police department. ~~be the sum of one dollar (\$1.00), which sum shall be collected by the city police department.~~

**~~Sec. 19-104. Disposition of fees collected; report of license tags issued.~~**

~~Fees collected under section 19-103 shall be turned over to the city treasurer daily, together with a record of license tags issued under such section.~~

**~~Sec. 19-105. Term of registration.~~**

~~Registration, as required in section 19-101, shall be for the usable life of the bicycle in the city so long as it remains in the same ownership.~~

**~~Sec. 19-106. Transfer of ownership; report of possession.~~**

~~(a) Whenever there shall be a transfer of the ownership of a bicycle, such transfer shall be reported to the police department by the seller within twenty-four (24) hours and information shall be furnished in regard thereto setting forth the name of the transferor and the transferee, which information shall be recorded in the police department along with the original application for registration, and the purchaser shall~~

immediately register such bicycle in his name and shall pay a fee therefor in the sum of twenty-five cents (\$0.25).

(b) ~~Any person purchasing or coming into possession of a bicycle shall within twenty-four (24) hours report the same to the police department and effect the transfer provided for in this section.~~

~~Sec. 19-107. Forfeiture, sale and redemption of unlicensed or improperly licensed bicycles.~~

~~Any bicycle found on the streets of the city and any bicycle operated on the streets of the city without bearing a license tag as provided in this article, or bearing a license tag which was not legally issued for such bicycle, shall be seized by the police department and forfeited to the city. It shall be the duty of the police department from time to time to advertise and sell any and all bicycles so seized, upon giving the usual notice of sale and publication in a newspaper published in the city, as in the case of other personal property seized and forfeited; but the owner of such bicycle may, upon satisfactory proof of his ownership before the time of sale, redeem the bicycle by the payment of any costs or disbursements incurred in the seizure, advertisement and sale.~~

~~Sec. 19-108. Operation of unlicensed or improperly licensed bicycle.~~

~~It shall be unlawful to use or operate a bicycle without a license tag as above provided, or with a license tag that has been issued for a bicycle other than the one to which it is attached.~~

~~Sec. 19-109. Possession of unlicensed bicycle as evidence of violation of chapter. The possession or custody of a bicycle without the license tag required by this division shall be prima facie evidence that the same was used or intended to be used in violation of the terms of this division. However, this shall not apply to any bona fide dealer in or salesman of bicycles, unless such vehicle is in use.~~

~~Secs. 19-110-19-120. Reserved."~~

**Section 3.** Chapter 19, Section 121 of the Code of the City of Charleston is hereby amended by renumbering said section to Section 123 and by deleting said Section and replacing it with the following text, which shall read as follows:

"Sec. 19-123. Manner of parking.

(a) Findings:

1. The parking of human powered, pedal cycles ("Bicycles") by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can cause safety hazards to pedestrians and motorists using the public-right-of-ways; and
2. The parking Bicycles by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-

ways can block or greatly impair the means of ingress and egress to public and private property; and

3. The parking Bicycles by securing or otherwise locking them onto street trees, street lights, stop signs and other legal encroachments in the public right-of-ways can cause a disorderly appearance that diminishes the aesthetics of the surrounding area; and

4. The City supports and encourages the use of bicycle racks as a safe and secure manner of bicycle parking and to this end is working diligently to install bicycle racks on public property to provide adequate space for bicycle parking in known areas of heavy bicycle traffic; and

(b) Parking Prohibited:

1. Bicycles shall not be secured or otherwise locked to street trees, street lights, stop signs, boat docks, or other legal encroachments and public property located in the public right-of-ways.
2. City police or parking enforcement officers on Bicycles ("Enforcement Officer") shall be exempt from the above-described restriction when in the course and scope of their duties they determine in good faith that parking their bicycle in such a manner is necessary to perform their official duties.

(c) Penalties:

1. Owners or operators of Bicycles parked in violation of Paragraph (b) shall be subject to the following infractions:
  - i. A parking citation for parking in a prohibited zone; or
  - ii. A Code Enforcement Officer may confiscate the Bicycle by removal to their headquarters or by adding a City lock to the illegally parked Bicycle.
    - (A) A confiscated Bicycle shall be released upon proof of ownership and the payment of a \$45 fine.
    - (B) Bicycles remaining in City custody without identification of ownership and the payment of the fine as set forth in Paragraph (c)(A) after a period of 30 days, shall be deemed to be abandoned and shall be disposed of in accordance with Section 124(c).

(d) The City shall bear no responsibility to a Bicycle owner or operator for damage to a confiscated Bicycle in its enforcement of this section."

**Section 4.** Chapter 19, Section 122 of the Code of the City of Charleston is hereby amended by renumbering said Section to Section 125 and by adding the following underlined text in 122(a) and by deleting the stricken text in 122(b) and replacing it with the underlined text, which shall read as follows:

"Sec. 19-122. Riding on sidewalks.

(a) No person shall ride or operate a bicycle upon any sidewalk in the city except:

(1) Children the age of twelve (12) and under may ride a bicycle having a wheel diameter of twenty-four (24) inches or less on any sidewalk except as otherwise herein prohibited.

(2) Where the sidewalk is designated by the traffic and transportation department as a shared-use path measuring at least eight (8) feet in width.

(3) Where the adjacent highway has a posted speed limit of thirty-five (35) miles per hour or more, adults and children may ride a bicycle on the adjacent sidewalk except as otherwise herein prohibited or if there is a dedicated bicycle lane on the adjacent highway.

(b) Unless designated otherwise, go upon any sidewalk or roadway in a school overlay zone or in an area commercially zoned area within the area bounded on the north by the Crosstown, on the east by the Cooper River, on the south by Broad Street, and on the west by the Ashley River on the peninsula as delineated on the zoning map of the city and as the zoning map may hereafter be amended by the ordinances of the city;"

**Section 5.** Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Section 124, which shall read as follows:

"Sec. 19-124. Abandoned Bicycles.

(a) It shall be unlawful for any person to abandon any bicycle on any public right-of-way or on any public property within the city. A bicycle shall be deemed abandoned if it:

(1) is in such a state of disrepair as to be incapable of being operated in its present condition, or

(2) has not been moved or used in more than seven days and bears physical indicia of having been abandoned.

(b) Any bicycle deemed abandoned pursuant to subsection A of this section shall have a notice affixed to it which informs the bicycle's owner that the bicycle appears to be abandoned. The notice shall indicate: (1) a telephone number for the owner to call to inform the City that the bicycle is not abandoned; and (2) the date after which the bicycle may be removed if it is not claimed by its owner. A bicycle shall not be deemed

to be abandoned if the owner of the bicycle, within seven days of the affixing of a notice of abandonment, notifies the City that the bicycle is not abandoned.

(c) If a bicycle is not relocated or claimed by its owner within seven days of the affixing of a notice of abandonment, that bicycle may be removed and disposed of by discarding, donation, auction, or any other manner deemed appropriate by the city."

**Section 6.** Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Section 121, which shall read as follows:

"Sec. 19-121. Traffic Laws Apply to Persons Riding Bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic regulations of this city applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and regulations which by their nature can have no application."

**Section 7.** Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Section 122, which shall read as follows:

"Sec. 19-122. Obedience to Traffic Control Devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians."

**Section 8.** This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord, 2010, in the  
235<sup>th</sup> Year of Independence of the United States of  
America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council



### A RESOLUTION

TO AUTHORIZE THE CITY'S TRAFFIC AND TRANSPORTATION DEPARTMENT TO ADD AN ADDITIONAL TWO TOKENS TO THE SIX MONTH RICKSHAW PILOT PROGRAM INCREASING THE NUMBER OF TOKENS FROM SIX TO EIGHT THAT MAY BE ISSUED EXCLUSIVELY DURING EVENING AND WEEKEND HOURS DURING THE PILOT PROGRAM WHICH BEGAN ON MAY 1, 2010 AND ENDS ON NOVEMBER 1, 2010.

WHEREAS, the City of Charleston passed a Resolution on April 27, 2010 which created a pilot program that would permit six (6) rickshaw tokens to be issued in addition to those authorized in Section 19-469 to be used during the hours of 7:00pm to 3:00am Monday thru Friday and 5:00pm to 3:00am on Saturday and Sunday;

WHEREAS, the authorized additional six (6) rickshaw tokens were distributed evenly among the three (3) rickshaw companies in existence at the time of pilot program's creation;

WHEREAS, a new rickshaw company has requested from the Traffic and Transportation Committee a Certificate of Appropriateness to operate on the streets of the peninsula; and,

WHEREAS, the City would like to increase the number of rickshaw pilot program tokens from six (6) to eight (8) during the last three months of the program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, IN COUNCIL ASSEMBLED, THAT THE TRAFFIC AND TRANSPORTATION IS AUTHORIZED TO ADD AN ADDITIONAL TWO TOKENS TO THE SIX MONTH RICKSHAW PILOT PROGRAM INCREASING THE NUMBER OF TOKENS FROM SIX TO EIGHT THAT MAY BE ISSUED EXCLUSIVELY DURING EVENING AND WEEKEND HOURS DURING THE PILOT PROGRAM WHICH BEGAN ON MAY 1, 2010 AND ENDS ON NOVEMBER 1, 2010.

Done this \_\_\_\_ day of \_\_\_\_ 2010.

\_\_\_\_\_  
Joseph P. Riley, Jr., Mayor  
City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council

**RESOLUTION  
DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL, those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as, Needwood Forest Road ( 50' r/w), Chilhowee Road ( 50' r/w), Thorpe Constantine Avenue ( 50' r/w) , Sheen Drive ( 50' r/w) , Waterfall Place ( 50' r/w). On a plat entitled " FINAL PLAT OF A SUBDIVISION SURVEY SHOWING TRACT AE 28.822 ACRES, TMS 279-00-00-173, BEING SUBDIVIDED TO FORM PHASE II, LOTS 45-89, PHASE III, LOTS 90-127, STAFFORDSHIRE SUBDIVISION PROPERTY OF STAFFORDSHIRE LLC, LOCATED ON JOHNS ISLAND, THE CITY OF CHARLESTON, CHARLESTON COUNTY, SC.' Dated March 31, 2008, prepared by Joseph O. Eelman, recorded in the RMC Office for Charleston County in Plat Book L08, at Page 0251, Conveyed by deed dated May 15, 2008. recorded in the RMC Office for Charleston County in Plat Book \_\_, at Page \_\_, be and the same are hereby dedicated and accepted as public rights -of-way.

**RESOLUTION  
DEDICATION AND ACCEPTANCE OF STREETS**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL, those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as Hockley Blvd. (50' r/w), Gallberry Street ( 50' r/w), Cornsilk Drive ( 50' r/w), On a plat entitled " FINAL SUBDIVISION PLAT SHOWING PHASE 5C (RICEFIELD) OF CAROLINA BAY (8.159 AC.), A PORTION OF AREA 5-1, PROPERTY OF CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, LOCATED IN ST. ANDREWS PARISH, CITY OF CHARLESTON, CHARLESTON, COUNTY, STATE OF SOUTH CAROLINA." Dated June 16, 2008, prepared by Stantec Consulting Services. Recorded in the RMC Office of Charleston County in Plat Book L09, at Page 0051. Conveyed by Deed dated July 7, 2008, recorded in the RMC Office for Charleston County in Plat Book \_\_, at Page \_\_, be and the same are hereby dedicated and accepted as public rights- of-way.**

**RESOLUTION  
DEDICATION AND ACCEPTANCE OF STREETS**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON, THAT ALL, those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as Carolina Bay Drive Extension (r/w varies), Conservancy Lane ( 50' r/w). On a plat entitled " FINAL SUBDIVISION PLAT SHOWING CAROLINA BAY EXTENSION (7.320 AC) , A PORTION OF TMS 307-00-00-005, PROPERTY OF CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, LOCATED IN ST. ANDREWS PARISH, CITY OF CHARLESTON, CHARLESTON COUNTY, STATE OF SOUTH CAROLINA." Dated June 4, 2008, prepared by Stantec Consulting Services, Inc.. Recorded in the RMC Office for Charleston County in Plat Book S09, at Page 0091. Conveyed by deed July 7, 2008, recorded in the RMC Office for Charleston County in Plat Book \_\_, at Page \_\_, be and the same is hereby dedicated and accepted as public rights-of-way**

**RESOLUTION  
DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL, those certain streets, roads, drive and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as, Amberhill Way ( 50' r/w), Pleasant Hill Drive ( 50' r/w), Pixley Street ( 50' r/w). On a plat entitled " SUBDIVISION PLAT SHOWING PHASE 7A (CYPRESS) OF CAROLINA BAY (15.471 AC), A PORTION OF TRACT D-2, PROPERTY OF CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, LOCATED IN ST. ANDREWS PARISH, CITY OF CHARLESTON, CHARLESTON COUNTY, STATE OF SOUTH CAROLINA." Dated June 2009, prepared by Stantec Consulting Services, INC.. Recorded in the RMC Office for Charleston County, in Plat Book L09, at Pages 0398,0399. Conveyed by deed dated September 14, 2009, recorded in the RMC Office for Charleston County in Plat Book \_\_, at Page \_\_, be and the same are hereby dedicated and accepted as public rights-of-way.

**RESOLUTION  
DEDICATION AND ACCEPTANCE OF STREETS**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL, those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as , Cornsilk Drive ( 50' r/w), Halfshell Lane (50' r/w), Hockley Blvd. ( 50' r/w). On a plat entitled " FINAL SUBDIVISION PLAT SHOWING PHASE 5D ( RICEFIELD) OF CAROLINA BAY (8.472.AC), A PORTION OF AREA 5-1 , PROPERTY OF CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, LOCATED IN ST. ANDREWS PARISH, CITY OF CHARLESTON , CHARLESTON COUNTY, STATE OF SOUTH CAROLINA." Dated March 10, 2010, prepared by Stantec Consulting Services, Inc.. Recorded in the RMC Office for Charleston County in Plat Book L10, at page 0164, Conveyed by deed dated April 19, 2010, recorded in the RMC Office for Charleston County in Plat Book \_\_, at Page\_\_, be and the same are hereby dedicated and accepted as public rights-of -way.**

**RESOLUTION  
DEDICATION AND ACCEPTANCE OF STREETS**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL, those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston , Charleston County, State of South Carolina, designated as, Marginal Road ( 50' r/w), " NEW ROAD RIGHT OF WAY 46,816.53.S.F. 1.075 AC., AND NEW ROAD RIGHT OF WAY 53,539.06 S.F. 1.229 AC." On a plat entitled " SUBDIVISION PLAT SHOWING THE DEDICATION OF NEW ROAD RIGHT OF WAYS THROUGH THE SADDLES AT CAROLINA BAY, PROPERTY OF CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, LOCATED IN ST. ANDREWS PARISH, CITY OF CHARLESTON, CHARLESTON COUNTY, STATE OF SOUTH CAROLINA." Dated November 19, 2008, prepared by Stantec Consulting Services, recorded in the RMC Office for Charleston County in Plat Book L08, at Page 0208, Conveyed by deed dated November 20, 2008, recorded in the RMC Office for Charleston County in Plat Book \_\_, at Page \_\_, be and the same are hereby dedicated and accepted as public rights- of -way.**



K5  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 22, TO REPEAL SAID CHAPTER AND TO REPLACE IT WITH A NEW CHAPTER 22 TO PROVIDE FOR THE SEPARATION OF THE RECREATION DEPARTMENT AND THE PARKS DEPARTMENT, TO UPDATE PARK, PARK FACILITY, RECREATIONAL FACILITY AND PLAYGROUND RULES, TO AMEND THE NUMBER FOR QUORUM FOR THE RECREATION COMMITTEE, AND TO CHANGE THE RESPONSIBILITIES FOR DEVELOPING AND OVERSEEING THE CITY'S STREET LIGHTING FUNCTIONS FROM THE PUBLIC SERVICE DEPARTMENT TO THE PARKS DEPARTMENT. **(AS AMENDED)**

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

**Section 1.** Chapter 22 of the Code of the City of Charleston is hereby repealed in its entirety and substituting in its place and stead the following:

“  
CHAPTER 22

RECREATION & PARKS

- Art. I. Park and Recreation Facilities, § 22-1 through 22-20  
Art. II. Recreation Department, § 22-21 through 22-36  
Art. III. Parks Department, § 22-37 through 22-71  
    Division 1 General  
    Division 2 Administration  
    Division 3 Park Creation  
    Division 4 Street Trees

**ARTICLE I. Park and Recreation Facilities**

**Sec. 22-1. Purpose.**

The rules and regulations set out in this article are established to ensure the fullest use and enjoyment by the general public of the public recreational facilities and parks in the city consistent with the protection of persons, public property, and the tranquility of surrounding neighborhoods.

**Sec. 22-2. Hours.**

Every public park, park facility, recreational facility, and playground in the city shall be closed from dusk to dawn unless the public park, park facility, recreational facility, or playground is hosting a city organized or permitted activity, is staffed by the city, or the director of the department of recreation or the director of the department of parks has ordered different hours of operation. The director of the department of recreation and the director of the department of parks may close any park, park facility, recreational facility, playground, or portion thereof for maintenance or ground protection at any time.

**Sec. 22-3. Functions organized, sponsored, or co-sponsored by the department of recreation.**

(a) Functions organized, sponsored, or co-sponsored by the department of recreation shall have priority over any and all other activities in or upon public parks, park facilities, recreational facilities, and playgrounds.

(b) No person shall interfere with the organization, operation or use of a public park, park facility, recreational facility, or playground by groups or individuals for activities or events sponsored by the city, permitted under the City's Special Events Ordinance found in Sections 2-183 *et.seq.* of this Code, or permitted under Section 22-4 of this Code.

**Sec. 22-4. Reservation Permit for reserved use.**

(a) For all organized activities which do not require a Special Events permit pursuant to Sections 2-183 *et.seq.* of this Code, but require reserved use of a park, park facility, recreational facility, and/or playground or any portion thereof, a person may reserve such space for a reasonable period of time at reasonable intervals for the purposes of organized sports, picnics, or group activities upon obtaining a reservation permit for the proposed use.

(b) A person seeking issuance of a reservation permit shall file a reservation permit application with the department of recreation. The application shall be filed with the department not less than fourteen (14) business days before the date on which the proposed activity is to take place. For events scheduled for the preceding calendar year which require reserved use, the reservation calendar for the preceding year will be opened on September 1<sup>st</sup> of the current year.

(c) The department of recreation and the Chairman of the Special Events Committee shall have the authority to consider any application hereunder which is filed less than fourteen (14) business days before the date such activity is proposed to be conducted.

(d) The request for a reservation permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking the permit.

(2) The name, address and telephone number of the headquarters of the organization or association requesting the permit and of the authorizing and responsible person for such organization or association.

- (3) The name, address, and telephone number of the person who will be the chairman and who will be responsible for the conduct of the activity.
  - (4) The date when the activity is to be conducted.
  - (5) The specific location of the activity proposed.
  - (6) The approximate number of persons who will participate in the activity.
  - (7) The hours when such activity will start and terminate, including set up and tear down time.
  - (8) A detailed description of the proposed activity.
  - (9) Any additional information which the department of recreation and the Chairman of the Special Events Committee shall find reasonably necessary to a fair determination as to whether a reservation permit should be issued.
- (e) The department of recreation and the Chairman of the Special Events Committee in concert with the department of parks shall issue a reservation permit as provided for hereunder when, from a consideration of the request and from such other information as may otherwise be obtained, they find that:
- (1) The conduct of the activity proposed will not substantially interrupt the safe and orderly activity of the park, park facility, recreational facility, and/or playground or any portion thereof, in question or the safe and orderly movement of traffic, pedestrian and vehicular.
  - (2) In the opinion of the chief of police, the conduct of the activity will not require the diversion of so great a number of police officers of the city to properly police the activity so as to prevent normal police protection to the city.
  - (3) The concentration of persons at the activity will not unduly interfere with proper utilization of the park, park facility, recreational facility, and/or playground or any portion thereof, or with proper fire and police protection of the park and playground and areas contiguous to such area.
  - (4) The conduct of the activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
  - (5) The conduct of the activity is not reasonably likely to cause excessive littering or a health hazard to the citizens of the city.
  - (6) The reservation of the park, park facility, recreational facility, and/or playground or any portion thereof, will not unduly interfere with the use of the facilities by individuals not involved in the activity.
  - (7) The size, location, and primary purpose of the park, park facility, recreational facility, and/or playground and the nature of the surrounding neighborhood is consistent with the proposed activity.

(f) Any person aggrieved shall have the right to appeal the denial of a reservation permit to the Recreation Commission. The appeal shall be filed within forty-eight (48) hours after notice to the Clerk of Council. The Recreation Commission shall act upon the appeal at its next regularly scheduled meeting, but no later than thirty (30) days from the time of receipt of the appeal.

(g) The department of recreation and the Chairman of the Special Events Committee, in denying a request for a permit, shall be empowered to authorize the activity on a day, at a time, or at a location different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action, file a written notice of acceptance with the department of recreation. An alternate permit shall conform to the requirements of and shall have the effect of a permit under this Section.

(h) The department of recreation and the Chairman of the Special Events Committee shall have the authority to revoke a permit issued hereunder upon violation of the standards for issuance as set forth in paragraph (e) of this Section. It shall be grounds for denial of a permit if substantially the same group who proposes to use the facilities has violated the standards as set forth in subparagraph (e) on a previous occasion.

(i) The activity chairman or other person heading or leading such activity shall carry the permit upon his person during the conducting of the permitted activity.

(j) The activity chairman or other person heading or leading such permitted activity shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(k) Should more than one group apply for use of the same facility, the department of recreation and the Chairman of the Special Events Committee will give priority to the earlier request, provided, however, the department of recreation and the Chairman of the Special Events Committee shall ensure that repeated reservation of facilities by one group will not interfere with the reasonable use of the facility by other groups and individuals, or with the tranquility of the neighborhood surrounding the facility, and in their discretion may deny or reschedule an activity to achieve this end.

(l) All reservation permits shall be subject to the applicable fees set forth in the City of Charleston Park Permit Fee Structure, marked as Exhibit A, attached hereto and incorporated by reference herein. Additional fees may include reservation permit deposits and athletic field rental fees. All fees and deposits are due seven (7) days prior to the reserved event.

(m) The City reserves the right in its sole discretion to require a person seeking a reservation permit to obtain a Special Events permit issued pursuant to Sections 2-183 *et. Seq.* when the City finds that requiring such Special Events permit is in its best interest.

**Sec. 22-5. Prohibited activities in or upon a public park, park facility, recreational facility, or playground.**

Unless permitted under a City of Charleston Special Event Permit issued pursuant to Chapter 2, Sections 183 *et. Seq.*:

(a) *Alcoholic beverages.* No person shall possess in an open container or consume any beer, wine, or alcoholic beverage in or upon a public park, park facility, recreational facility, or playground in the city.

(b) *Destruction of property.* No person shall remove, deface, damage, or otherwise injure any structure, sign, fence, equipment or improvement in or upon a public park, park facility, recreational facility, or playground, nor shall any person remove, deface, damage, or otherwise injure any flower, plant, shrub, tree, grass, or ground cover in or upon any park or playground.

(c) *Audio devices.* No person shall play an audio device, such as a television set, radio, compact disc or tape player, at such a volume as to disturb persons utilizing the park outside of the immediate vicinity of the user.

(d) *Bands, concerts.* No band or group of musicians shall perform in or upon a public park, park facility, recreational facility, or playground so as to unreasonably disturb the tranquility of the residents surrounding a public park, park facility, recreational facility, or playground.

(e) *Solicitation.* No person shall solicit, peddle, or charitably solicit in a public park, park facility, recreational facility, or playground without the express written approval of the city.

(f) *Storage.* No person shall store any goods, materials, vehicles, or other property in or upon a park, park facility, recreational facility, or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(g) *Fireworks and weapons.* No person shall possess, discharge, or set off any fireworks, firearms, weapons, or other explosive devices in or upon any park or playground, without written approval of the director of the department of recreation or the director of the department of parks.

(h) *Litter.* No person shall discard litter in any park or playground except in designated receptacles.

(i) *Golfing.* No person shall play or practice golf in a public park or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(j) *Remote Control Devices.* No person shall operate a remote control device, including, but not limited to, any model plane, glider, helicopter, car, truck, or any other wheeled vehicle in any park, park facility, recreational facility, or playground, recreational facility parking lot, or other public recreation area. Model plane shall mean any device that flies, whether uncontrolled or controlled by radio, wire, or string, and is powered by internal combustion, electricity, gasoline, battery, or any other type of fuel.

(k) *Commercial activities.* No person shall carry on any commercial activity in any park or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(l) *Unlawful activities.* No person shall carry on any activity in or upon a public park, park facility, recreational facility, or playground of the city which is prohibited by the statutes of the state or the ordinances of the city.

(m) *Treasure hunting.* Metal detecting and/or digging in public parks, public right-of-ways, and playgrounds is prohibited.

(n) *Photographic / video equipment.* It shall be unlawful for a person to install, maintain or operate a video recording device, camera or cell phone with a camera incorporated therein in any dressing room, restroom, bathroom, toilet, washroom, shower or locker room in or upon a city recreation facility.

(o) *Camping.* No person shall camp, camp out, sleep, lodge, or take up residence in any camper, van, bus, or other motor vehicle in any park or public place.

**Sec. 22-6. Vehicular and animal traffic.**

(a) The traffic ordinances of the city shall be observed in all parks or playground facilities.

(b) No person shall operate or park a motorized vehicle or ride, lead or drive any horse, mule or any other animal capable of transporting a human in or upon any park or playground, except in areas designated therefore.

(c) Parking facilities located in all parks and playground facilities are reserved for use by park or playground patrons unless prior authorization has been granted by the director of the department of recreation or the director of the department of parks.

**Sec. 22-7. Mooring or landing boat along seawall, prohibited; sale of articles; drying nets.**

(a) No fishing boat or other boat shall be allowed to make fast or moor with their fasts, lines, or rope to the seawall and railing extending along East Bay and Murray Boulevard to Tradd Street.

(b) No person shall be permitted to land from their boats, to embark on a fishing or any other expedition, or to load their boats with fishing utensils or any other articles from the seawall along East Bay and Murray Boulevard to Tradd Street.

(c) No fish or any articles for sale shall be exposed or offered for sale at any time along the seawall and railing extending thereon.

(d) No fishing net or seine shall at any time be hung upon the railing along East Bay and Murray Boulevard to Tradd Street.

**Sec. 22-8. Mooring or landing boat along a public dock, prohibited.**

With the exception of the facilities located at and managed by the Charleston Maritime Center,

(1) No fishing boat or other boat shall be allowed to make fast, moor, or anchor within 500 feet of a public dock from dusk to dawn.

(2) No person shall be permitted to land from their boats, to embark on a commercial fishing or any other commercial expedition, or to load their boats with fishing utensils or any other articles from a public dock.

(3) No fishing boat or other boat shall be allowed to dock at a public dock for a period of time longer than two (2) hours.

#### **Sec. 22-9. Penalties.**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall, for each violation, upon conviction thereof, be subject to punishment as provided in section 1-16 of this Code. Any device used by a person violating any of the provisions of this article may be seized from such person and may be destroyed in the event such person is found guilty or pleads guilty or nolo contendere to such offense.

Secs. 22-10--22-20. Reserved.

### **ARTICLE II. Recreation Department**

#### **Sec. 22-21. Creation.**

The department of recreation is hereby established. The department shall be responsible for planning, developing, and leading recreational programs, activities, and events, including, but not limited to, youth and adult sports, aquatic programs, community programs, tennis, youth summer camps, after school programs, arts and craft programs, and similar recreational programs and opportunities for all citizens.

#### **Sec. 22-22. Management of recreation programs.**

The department of recreation shall control and manage all recreation programs, community centers, playgrounds, and other recreation facilities of the city and shall be under the direction and supervision of a director of recreation who shall be appointed by the mayor, with the approval of the city council.

#### **Sec. 22-23. Recreation commission.**

(a) *Established.* An advisory commission for recreation services is hereby established.

(b) *Composition; appointment of members.* The recreation commission shall consist of at least nine (9) members appointed by the mayor and confirmed by the city council.

(c) *Advisory duties.* The recreation commission shall recommend to the mayor, city council, and the department of recreation, courses of action by the city in the area of leisure activities, including long-range planning, establishment and use of city recreation facilities and recreation programs. The recreation commission shall monitor the use of

city recreation facilities, and shall encourage citizen participation in the formulating of policy and in the use of city recreation facilities.

**Sec. 22-24. Municipal golf course--Management.**

The facilities of the municipal golf course shall be managed, operated and supervised by the golf course manager who shall report to the director of recreation.

**Sec. 22-25. Municipal golf course commission.**

- (a) *Established.* There is hereby established the municipal golf course commission.
- (b) *Composition, membership.* The municipal golf course commission shall consist of thirteen (13) members appointed by the mayor and approved by the city council. Three (3) of the members so appointed shall be members of city council; at least one (1) member shall be a current junior player; at least one (1) member shall be a member-at-large; at least one (1) person considered for membership shall be a member of the Jenkins Links Golf Association, so long as such club shall maintain an active membership among players at the municipal golf course; and one shall be appointed upon the nomination of the Edisto Realty Company or its successors in title, so long as the municipal golf course shall be maintained on property conveyed by Edisto Realty Company to the city council for the purposes of a municipal golf course.

Secs. 22-26--22-36. Reserved.

**ARTICLE III. Parks Department**

**Division 1 General**

**22-37. Creation.**

(a) A department of parks is hereby established. The department shall be responsible for the construction, repair, and maintenance of all city parks, playgrounds, and public spaces; construction, repair, and maintenance of city buildings and physical plant systems; installation and maintenance of park and street trees; installation and maintenance of city flower beds; managing street lighting repairs and installation and maintenance of all city electrical systems. The department shall also have the responsibility for coordinating litter and community beautification projects.

(b) The department of parks shall be comprised of the following divisions:

1. Administration Division
2. Capital Projects Division
3. Litter Control and Beautification Division
4. Grounds Maintenance Division
5. Construction Division
6. Facilities Maintenance Division
7. Urban Forestry Division
8. Horticulture Division
9. Mechanical/Electrical Division
10. Joseph P. Riley, Jr. Ballpark Division

## **22-38. Administration; duties of Director.**

(a) The supervision of the department shall be undertaken by the director of the department of parks, who shall be appointed by the mayor, with the approval of the city council.

(b) The director of the department of parks shall be responsible for compiling and maintaining records of all maintenance needs and improvements to city properties, and shall be responsible for the implementation of the capital improvements plan.

## **Division 2 Division Duties**

### **22-39. Administration Division.**

The administration division shall be responsible for the internal accounting and reporting of the department's receipts and expenditures. This division shall also be responsible for the management of the department's work order system, provide clerical services to the department, report departmental payroll to the Budget, Finance, and Revenue Department, and manage and administer personnel assignments.

### **22-40. Capital Projects Division.**

The Capital Projects Division shall be responsible for the administration of design and construction contracts performed by private contractors. The Project Management Section shall manage contracts for design, new construction, renovations and improvements to City facilities ranging from small playgrounds to multimillion-dollar municipal buildings. This division shall be responsible for managing the Capital Projects Review Committee.

### **22-41. Litter Control and Beautification Division.**

The litter control and beautification division is responsible for assisting the clean city commission, implementing strategies, educating, and involving the general public in programs and activities that promote the general cleanliness of the city.

### **22-42. Grounds Maintenance Division.**

The grounds maintenance division shall be responsible for the maintenance of grounds at all parks, squares, athletic fields, and other similar pleasure grounds, and buildings and structures whether belonging to the city or leased by the city, including their right-of-ways. This division shall also be responsible for assisting with special events sponsored by the city.

### **22-43. Construction Division.**

The construction division shall be responsible for the maintenance and limited construction of city buildings, parks, playgrounds, structures, or parts thereof, and limited maintenance of or improvements to historical elements of the city's public right-of-ways.

#### **22-44. Facilities Maintenance Division.**

Building maintenance and special needs facilities shall be responsible for in-house, contractual repairs and maintenance services for all City facilities, parks and open spaces to include street light management, cross connection program, energy management and maintenance contracts. This division shall also be responsible for public lighting.

#### **22-45. Urban Forestry Division.**

The urban forestry division shall be responsible for developing, implementing, enforcing, and administering the city's street tree program related to the removing, planting and maintaining of trees on city owned property and the public right-of-ways.

#### **22-46. Horticulture Division.**

The horticulture division shall be responsible for the planting and maintenance of all ornamental plantings on the city's property including the public right-of-ways. This division shall also be responsible for the daily operation of greenhouse facilities and the propagation of plant material for use on city property.

#### **22-47. Electrical and Mechanical Division.**

The mechanical and electrical division shall be responsible for installation, new construction and maintenance of plumbing, heating and air conditioning, mechanical pumps, display fountains and electrical systems in all City buildings, parks and open spaces.

#### **22-48. Joseph P. Riley, Jr. Ballpark Division.**

The Joseph P. Riley, Jr. Ballpark division shall be responsible for maintenance of all structural, mechanical, and electrical systems at the city's professional baseball park.

### **Division 3     Park Creation**

#### **Sec. 22-49. Passive parks.**

(a) The city council, after a public hearing, and upon a finding that certain individual or organized use or activity in or upon a park is improper, inconsistent, or not in the public interest by reason of the nature of the use or activity, the effect it may have on the physical facilities including the ground cover, or by reason of the size, location, primary purpose of the park or playground, or the nature of the surrounding neighborhood, may designate such park or playground or any portion thereof as well as the adjoining sidewalks and streets as a passive park, and ban such use or activities in such parks, playgrounds, or portions thereof.

(b) The public shall be given notice of a hearing on the proposed designation of any such park, playground, or portion thereof as a passive park by two (2) notices published in a newspaper of general circulation in the city. One notice shall be published at least thirty (30) days prior to the hearing and the second notice at least fifteen (15) days prior to the hearing; the notices shall be blocked in and shall have an appropriate descriptive title.

(c) Such designation as a passive park may be on a temporary or permanent basis.

#### **Division 4     Street Tree Program**

##### **Sec. 22-50. Annual appropriation for purchase of street trees.**

There shall annually be placed at the disposal of the director of the department of parks such sum as may be appropriated by the city council for the purchase and planting of street trees and for the care and attention of trees already planted or to be planted.

##### **Sec. 22-51. Permit required to plant street trees.**

No shade or ornamental tree or shrub shall be planted in any of the public right-of-ways or easements of the city until such tree or shrub shall have first been approved by the director of the department of parks and a permit therefore be granted by the director of the department of parks.

##### **Sec. 22-52. Street tree permit approvals.**

Approved and permitted shade trees, ornamental trees, and shrubs shall be planted at the permittee's expense and approvals shall be based upon the species and cultivar of the tree, the structure of the tree to be planted, the distances apart, and the distance from the edge of any pavement, asphalt, or sidewalk as set forth in the City's street tree manual.

##### **Sec. 22-53. Permit required to remove, cut or prune tree.**

No person shall, without the written permission of the director of the department of parks, cut, prune, break, climb, injure or remove any tree or ornamental shrub located in a public right-of-way or easement of the city or on public property. For trees removed unlawfully, without approval, the director of the department of parks is authorized to grant after-the-fact approval, and require mitigation in accordance with the City's street tree manual.

##### **Sec. 22-54. Permit required to remove devices protecting trees.**

No person shall, without the written permission of the director of the department of parks, injure, misuse or remove any device placed to protect a tree located in a public right-of-way or easement of the city or on public property.

**Sec. 22-55. Permit required to place stones impeding passage of water to trees.**

No person shall, without the written permission of the director of the department of parks, place or maintain upon the ground in a public right-of-way or easement of the city or on public property, stone, cement or other substance which shall impede the free passage of water and air to the roots of any tree located in a public right-of-way or easement of the city or on public property.

**Sec. 22-56. Protection of trees during building construction.**

In the erection or repair of any building or structure the owner thereof shall place such guards around all the nearby trees in the public right-of-ways and easements of the city and on public property as shall effectually prevent injury, as directed by director of the department of parks.

**Sec. 22-57. Removal of electric, telephone, fiber optic, and cable wires upon request when trees are pruned.**

Every person having any wire charged with electricity, or telephone, fiber optic, or cable wires running through a public right-of-way or easement of the city, shall temporarily remove such wire or electricity therefrom when it shall be necessary to prune any trees growing in a public right-of-way, within twenty-four (24) hours after the service upon the owner of such wire or his agent, of a written notice to remove such wire or the electricity therefrom, upon the order of the director of the department of parks.

**Sec. 22-58. Removal of dangerous trees.**

The director of the department of parks shall have the right to remove any tree which may be dangerous, decayed or otherwise objectionable in the public right-of-ways or easements of the city.

**Sec. 22-59. Interfering with personnel of director of department of parks.**

No person shall prevent, delay or interfere with the officers, employees or agents of the director of the department of parks in the planting, pruning, spraying or removal of a tree, shrub or plant in a public right-of-way or easement of the city or on public property, or in the removal of stone, cement or other substance about the trunk of a tree in a public right-of-way or easement of the city or on public property.

Secs. 22-60--22-71. Reserved."

**Section 2.** Chapter 30, entitled Utilities, Article IV, Sections 30-51 through 30-57 and 30-59 through 30-62 are hereby amended by deleting the following struckthrough text and adding thereto the following underlined text, which shall read as follows:

**"Sec. 30-51. Public Lighting Supervision; ~~certification of vouchers~~.**

The ~~department of public service~~ director of parks or his designee shall have general supervision over the public lighting of the streets, whether such lighting be done by franchise agreement, contract or otherwise, as the city council may from time to time

determine and shall issue the orders for the installation, acceptance, or discontinuance of street lights and develop, implement, enforce, and administer the City's street lighting standards., and it shall ~~examine and report to the public works and utilities committee of the city council as to the fulfillment or breach of all street lighting contracts, and shall certify to the administrative services department of budget, finance and revenue collections on every voucher for payment thereon, that such payment is due in accordance with the terms of the contract on account of which such voucher is drawn.~~

**Sec. 30-52. Enforcement of article.**

The department of ~~public service~~ parks shall see that all provisions of this Article Code and other ordinances of the city and all orders and rules of the city council and of the public works and utilities committee of the city council relating to public lamps, or lighting of the streets and public grounds, are strictly enforced.

**~~Sec. 30-53. Installation or discontinuance of public lamps; substitution of styles.~~**

~~The department of public service shall issue, acting under direction of the city council, the orders for the installation or discontinuance of public lamps, or the substitution of one style of lamp for another.~~

**~~Sec. 30-54. Records of lamp locations; extinguished lamps.~~**

~~The department of public service parks shall keep a record of the location of every public lamp and street light, and the number and description thereof, together with a record of all lamps and street lights reported by the police department or any other person as extinguished or not in order.~~

**~~Sec. 30-55. Report of failure to maintain lamps and breaches of contracts.~~**

~~The department of public service shall report to the public works and utilities committee of the city council every omission or neglect of any person whose duty it is to light, clean or repair the public lamps, and all breaches of street lighting contracts.~~

**~~Sec. 30-56. Allowances for breach of contract.~~**

~~The department of public service shall cause proper allowances to be made for every breach of a public lighting contract.~~

**Sec. 30-573. Additional duties of department of public service parks.**

The department of public service parks shall perform such other duties pertaining to the public lighting as may from time to time be prescribed by the city council and the public works and utilities committee of the city council.

**~~Sec. 30-59. Street lamps; hours of operation; rate reduction for failure; cleaning of lamp shades.~~**

~~Lights for streets shall be continuously lighted every night in the year between the hours fixed in schedules to be furnished by the city council and in the event of any failure in this respect there shall be a reduction in price at double the rate unless the failure be through~~

~~the fault of the city, or any of its officials in their official capacity, when there shall be no reduction, or by the act of God, when the reduction shall only be pro rata. All lamp shades shall be properly cleaned.~~

~~Sec. 30-60. Determination of amount of electricity used in lighting highways.~~

~~(a) In order that the city may possess a record of the amount of electrical energy actually furnished for lighting the public highways, the person furnishing the light shall allow to be erected and permanently maintained at the generating station, such record of watt meters as may be necessary to measure and record daily the entire amount of electrical energy employed in such service.~~

~~(b) The department of public service shall be furnished a daily record of the readings of such watt meters, and shall have authority to have the accuracy of such recording instruments tested, in the presence of its duly authorized agent, at such times as may be deemed necessary. Any inaccuracy, if found, must thereupon be immediately corrected.~~

**Sec. 30-6154. Access to equipment for testing current and voltage; testing circuits.**

In order to properly inspect, maintain, and repair public lighting, ~~test the current and voltage supplied to the lamps, and to examine the appliances for generating, transmitting and using the electric current required,~~ the department of public service parks shall have access at all times to all electrical lamps, poles, posts, conduits, apparatus or machinery, on or in the streets, parks and squares. The department of public service parks or its duly authorized agent shall have the privilege at all times to test any of such circuits at such point or points as it may select, by the use of such standard measuring instrument as it may desire to use, and it shall maintain such instruments in circuits for so long a time as it may select.

**Sec. 30-6255. Deduction from bill when city uses less than prescribed amount of energy.**

Should the average amount of electrical energy actually supplied during any one month be determined by the department of public service parks and confirmed by the public works and utilities committee of the city council to be less than the amount prescribed, the department of public service parks shall make note of such deficiency on the bill of the person furnishing lights, and there shall be deducted from the amount of the bill an amount equal to that proportion that the actual amount of service rendered bears to the amount of service required."

**Section 3.** Chapter 2, entitled Administration, Section 55(d) is hereby amended by deleting the following struckthrough text and adding thereto the following underlined text, which shall read as follows:

"(d) *Coordination with executive branch.* The committee on public works and utilities shall be responsible for coordination with the department of public services, department of traffic and transportation, department of parks, housing board of appeals, eCommissioners of Ppublic Wworks, and the yacht basin commission."

**Section 4.** Chapter 2, entitled Administration, Section 61(c) & (d) is hereby amended by deleting the following struckthrough text and adding thereto the following underlined text, which shall read as follows:

"(c) *Responsibilities.* The responsibilities of the committee on recreation shall involve recommendations to the council on matters pertaining to:

- ~~(1) Operation of Cypress Gardens;~~
- ~~(21) Parks improvement and expansion;~~
- ~~(32) Recreation services and facilities;~~
- ~~(4) Cultural services.~~

(d) *Coordination with executive branch.* The committee on recreation shall be responsible for coordination with the department of recreation, commissioners of the colonial common and ashley river embankment, commissioners of marion square, golf course commission, and board of recreation, and department of parks."

**Section 5.** Chapter 2, entitled Administration, Section 231 is hereby amended by deleting the following struckthrough text and adding thereto the following underlined text, which shall read as follows:

**"Sec. 2-231. Establishment and organization.**

The department of public service is hereby established and shall consist of the following divisions:

- (1) Engineering;
- (2) Inspections;
- (3) Streets and sidewalks;
- (4) Sanitation;
- ~~(5) Electrical and communications;~~
- ~~(6) Fleet management."~~

**Section 6.** Chapter 19, Section 238 of the Code of the City of Charleston is hereby amended by deleting the following stricken phrases and adding thereto the following underlined phrases, which shall read as follows:

**"Sec. 19-236. Camping, sleeping, residing, etc., in parked motor vehicles, etc.**

No person shall camp, camp out, sleep, lodge, or take up residence in any camper, van, bus, or other motor vehicle on the public streets or in any park or public place; provided, however, that ~~when an event is scheduled at the Gaillard municipal auditorium which requires the keeping of live animals, persons associated with such event may camp, with their animals, on the main parking lot of the Gaillard municipal auditorium, upon such terms and at such locations as may be specified in writing by the department of traffic and transportation upon an affirmative finding that the proposed camping will not constitute a nuisance and that adequate measures will be taken to ensure the safety of campers, to preserve the cleanliness of the lot and surrounding areas, and to minimize adverse impacts on the community~~ the City's Special Events Committee may authorize such activity so long as the activity shall not constitute a nuisance and adequate measures shall be taken to ensure the safety of campers, preserve the cleanliness of the immediate and surrounding areas, and minimize adverse impacts on the community."

**Section 7.** This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2010, in the 235th Year of Independence of the United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council



K8

Rectification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON TO ADD NEW SECTIONS 2-183, 2-184, 2-185, 2-186, 2-187 AND 2-188 THEREIN TO PROVIDE FOR THE CREATION OF THE SPECIAL EVENTS COMMITTEE AND ITS DUTIES AND RESPONSIBILITIES; TO ESTABLISH THE PROCEDURES AND REQUIREMENTS FOR THE ISSUANCE OF SPECIAL EVENT AND TEMPORARY USE EVENT PERMITS. (AS AMENDED)

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED.

Section 1. The Code of the City of Charleston is hereby amended by adding the following new sections:

**Section 2-183. Title.**

This ordinance shall be known as and cited as the "Special Events Ordinance."

**Section 2-184. Purpose.**

The City Council finds and declares that it is in the public interest to regulate events on the public streets, public property and events held on private property under certain circumstances pursuant to the police powers of the city in order to maintain, protect and promote the public health, safety and welfare of the citizens, residents and visitors of the City of Charleston.

**Section 2-185. Definitions.**

The following words and phrases when used in the Special Events Ordinance shall have the following meanings:

*Annual Event* means an event recurring each year at approximately the same date which has previously complied with the permit requirements of the Special Events Ordinance.

*Applicant* means the sponsor or authorized agent of the sponsor who completes the Special Event or Temporary Use Event application, as applicable, and acts as primary contact for the Special Event or Temporary Use Event, as applicable.

*Application* means a written request on a form or forms that sets forth the information required to be provided by the Special Events Ordinance.

*Commercial Film/Photographic Event* means movies, commercials, or fashion industry photography on public property, including public streets, sidewalks, trails and/or other public place.

*Festival* means a stationary event on public property, including public streets, sidewalks, trails and/or other public place, held one day or more and includes fairs, carnivals, rallies, concerts, and sporting events.

*General Liability Insurance* means a form of business liability insurance to protect a business or entity from injury or death claims, property damages and advertising claims.

*Liquor Liability Insurance* means a form of business liability insurance to protect a business or entity from injury or death claims or property damages from distribution or sale of alcoholic beverages.

*Major Event* means an event which impacts multiple City departments, has 1000 or more people in attendance, and has an impact on a public street, right-of-way, and/or a City owned or managed park or facility.

*Medium Event* means an event which impacts multiple City departments, has more than 500 and less than 1000 people in attendance, and has an impact on a public street, right-of-way, and/or a City-owned or managed park or facility.

*Parade* means any organized group marching or in procession, whether on foot, animal, or vehicle, held on public property, including public streets, sidewalks, trails and/or other public place.

*Small Event* means an event which impacts multiple City departments, has less than 500 and people in attendance, and has an impact on a public street, right-of-way, and/or a City-owned or managed park or facility.

*Special Event* means a pre-planned activity sponsored by an individual, group, organization or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the City which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of City services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

A Special Event shall also include events at the VRTC Bus Shed and events on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.

A Special Event shall not include the following:

- (a) An event confined exclusively within the interior areas of the Old Exchange Building, the Charleston Maritime Center and that portion of the open area adjacent to the Charleston Maritime Center, the historic VRTC Building and the Gaillard Auditorium and its front porch and adjacent parking lot as identified in such facilities' annual approved operations plan as set forth in § 2-187(p), provided these facilities operate in compliance with their approved annual operations plan during any Special Event;
- (b) A news broadcast.
- (c) An event that is held on private property in a residential neighborhood that is not required to obtain a Temporary Use Event Permit as defined herein.

A Special Event may not include a private event at a city park, playground or recreation facility where no alcohol is served; however, such an event may require a park permit, the requirements of which are set forth in § 22-4(l) of the Code of the City of Charleston.

*Temporary Use Event Permit* means a permit required when an event is (i) held on private property in a residential neighborhood in which members of the public are not permitted but at which 250 or more persons are anticipated to be in attendance, sound it to be amplified which carries beyond the boundaries of such private property and the event is anticipated to impact available on-street parking and City service responses.

*Temporary Use Event* means an event that requires a Temporary Use Event Permit.

**Section 2.186. Special Events Committee; created; membership; powers; duties and responsibilities.**

- (a) *Created.* There is hereby created the Special Events Committee (the "Committee").
- (b) *Membership.* The Committee shall be appointed by the Mayor and shall consist of seven (7) members, one (1) of whom shall be an employee of the Department of Parks or his designee; one (1) of whom shall be an employee of the Department of Recreation-Recreation Facilities Division or his designee; one (1) of whom shall be an employee of the Department of Traffic and Transportation-Parking Meters Division or his designee; one (1) of whom shall be an employee of the Police Department-Traffic and Special Operations Division or his designee; one (1) of whom shall be an employee of the Department of Planning, Preservation and Sustainability – Neighborhood Services Division or his designee; one (1) of whom shall be an employee of the Executive Department – Cultural Affairs Division or his designee; and one (1) of whom shall be an

employee of the Office of the Clerk of Council – Tourism Division or his designee. All members shall be voting members. The members of the Committee shall serve until their successors have been appointed and qualified. For purpose of Committee action, a quorum of the Committee shall consist of four (4) voting members of the Committee in attendance.

(c) *Powers.* The Committee shall act as an administrative board and have authority to approve and issue Special Events and Temporary Use Event Permits upon the terms and conditions as set forth in the Special Events Ordinance; coordinate with city departments and other governmental agencies for the provision of governmental services as needed to support Special Events and Temporary Use Event Permit events; collect Special Event Permit fees and discharge such other duties as may be assigned by the Mayor.

**Section 2-187. Application; Processing of Special Event and Temporary Use Event Permits and conducting Special Event and Temporary Use Event Permit evaluations.**

Special Event and Temporary Use Event Permits shall be obtained from the Committee prior to hosting, conducting, holding or staging a Special Event or a Temporary Use Event. Prior to a Special Event or Temporary Use Event Permit being issued, the following procedure shall be followed:

- (a) An application shall be submitted to the City by the Special Events or Temporary Use Event Permit Applicant accompanied by the applicable City of Charleston Special Events or Temporary Use Event Permit processing Fee as set forth on the City of Charleston Special Events Fee Schedule, marked as Exhibit A, attached hereto and incorporated by reference herein. The application shall list the location and/or route, date, and time of the proposed Special Event or event requiring a Temporary Use Event Permit. For a Major Event, the application shall be filed at least 120 days prior to the date of the proposed Special Event; for a Medium Event, the application shall be filed at least 90 days prior to the date of the proposed Special Event; for a Small Event, the application shall be filed at least 60 days prior to the date of the proposed Special Event; for a Temporary Use Permit, the application shall be filed at least 60 days prior to the date of the proposed event requiring a Temporary Use Event Permit, and for a Commercial Film and Photography Event, the application shall be filed at least 3 days or 72 hours prior to the proposed Special Event to allow adequate review of the application by the Committee. First time events are encouraged to list several options for location, route, date, and time. Notwithstanding the foregoing, the City reserves the right to: (i) process and approve a Special Event application for a Major or Medium Event at a City-owned facility in less than 60 days prior to the date of the proposed Special Event if exigent circumstances exist in the sole opinion of the City; and (ii) issue an annual Temporary Use Event Permit to private property owners who routinely host events that require a Temporary Use Event Permit provided the private property owner has submitted and received an approved operations plan from the Special Events Committee on an annual basis,

said operations plan to include but are not be limited to acceptable alcohol management and security measures governing its events.

- (b) The Special Events Committee shall review the application to determine if the proposed Special Event or Temporary Use Event can be approved. The Committee shall meet with the Applicant to review and evaluate the application for compliance with the requirements herein and prioritize locations and/or routes, if necessary (the "Meeting"). Prior to the Meeting, the Applicant shall be required to provide the Committee with a complete package of information on the proposed Special Event or Temporary Use Event at least ten (10) business days prior to the Meeting including, but not limited to the following information:
  - 1. Description of the proposed Special Event or Temporary Use Event, as applicable.
  - 2. A tentative site plan which may include designating the location of entrances and exits, retail, food, and alcoholic beverage vendors, tents, stages, bleachers, signs or banners, portable restrooms and sinks, electric and water hookups, first aid stations, fire extinguishers, garbage and recycling receptacles, barricades, hazardous materials, and security.
  - 3. A security plan.
  - 4. A sanitation plan which includes provisions for trash removal and recycling removal.
  - 5. A traffic control plan.
  - 6. An alcohol plan.
  - 7. An Amplified sound plan.
  - 8. The time of all activities associated with the proposed Special Event or Temporary Use Event.
- (c) The Meeting shall also include a discussion of the Committee's comments and possible conditions and fees.
- (d) Once a Special Event or Temporary Use Event Permit Application is approved, the Committee shall send a notification letter to the Applicant listing fees and special conditions. Special Event Fees shall be paid by the Applicant 30 days prior to the date of the Special Event or Temporary Use Event, as applicable, and a stamped permit is given to Applicant within five (5) days of the Committee's receipt of payment of the required fees and any other documentation required by the Committee, or as soon thereafter as is reasonably possible.
- (e) The Applicant shall provide written notification to: (i) the City Councilmember in whose District the Special Event or Temporary Use Event, as applicable, shall occur; and (ii) the impacted neighborhood president(s) and business(es) advising of the approval of the Special Event or Temporary Use Event, as applicable, and listing date(s), time(s), and location/route thereof no later than thirty (30) days prior to the date of the Special Event or Temporary Use Event, as applicable. A reminder notice to: (i) the City Councilmember in whose District the Special Event or Temporary Use Event, as applicable, shall occur; and (ii) the impacted

neighborhood president(s) and business(es) shall also be sent by the Applicant fifteen (15) days prior to the date of the Special Event or Temporary Use Event, as applicable, and which shall contain all of the information required in the initial notice as specified above.

- (f) A post Special Event or Temporary Use Event, as applicable, evaluation shall be conducted by the Committee or its chair. The evaluation may include a survey of impacted residents and/or businesses, a meeting with the Applicant and feedback from the Committee.
- (g) Events subject to Alcohol Policy Requirements.
  - 1. A Temporary Use Event on private property in a residential neighborhood in which the members of the public are not permitted but at which 250 or more persons are anticipated to be in attendance, sound is to be amplified, the event is anticipated to require on-street parking and alcohol is to be served. A Temporary Use Event shall be exempt from the requirements of (h)(2)(a) and (h)(2)(c) below.
  - 2. A Special Event on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.
  - 3. A Special Event in/on City-owned and/or operated facilities, including City parks, where alcohol is to be served.
- (h) Requirements of Alcohol Policy.
  - 1. Certification/Training:

The Special Event permittee or Temporary Use Event permittee, as applicable, shall be required to utilize at least one (1) bartender and/or floor/door monitor with certification from a Smart Serve or Servers Intervention Program or an equivalent alcohol server training program as approved by the City. The City reserves the right to increase the number of bartenders and floor/door monitors as required to satisfy public safety.
  - 2. Controls:
    - a. The Special Event permittee shall be required to establish a controlled entrance and exit location by the posting of signage stating that alcoholic beverages are prohibited beyond the permitted area. As required by the Chief of Police or his designee, a controlled area for the serving and consumption of alcoholic beverages during the event may be required.
    - b. No alcoholic beverages shall be served within 30 minutes of the conclusion of the Special Event or Temporary Use Event, as applicable. No more than 2 alcoholic beverages shall be served to any person at any one time during a Special Event or Temporary Use Event, as applicable.

- c. No alcoholic beverages shall be served to any person at a Special Event unless such person has been issued a wristband by the Special Event permittee which indicates that the person has shown valid proof of being at least 21 years of age.
  - d. The Special Event permittee or Temporary Use Event permittee, as applicable, and its invitees shall be in compliance with all applicable federal, state, local statutes, ordinances, rules, regulations, licenses and permits, including permits required by the South Carolina Alcohol Beverage Commission, governing the Special Event or Temporary Use Event, as applicable.
  - e. No alcoholic beverages other than those alcoholic beverages served by the Special Event permittee or the Temporary Use Event permittee, as applicable, shall be permitted within the controlled area as described in § 2-187(h)(2)(a) herein for Special Events or within the Temporary Use Event, as applicable.
- (i) Security.  
The Special Event permittee or Temporary Use Event permittee, as applicable, shall be required to provide adequate security for its Special Event or Temporary Use Event, as applicable, as directed by the Chief of Police, including the hiring of off-duty police officers and/or security enforcement officers as approved by the Chief of Police or his designee.
  - (j) Considerations in granting a Special Event Permit or Temporary Use Event Permit, as applicable:  
In deciding whether to approve, approve with conditions, or deny a Special Event Permit or Temporary Use Event Permit, as applicable, the Committee shall determine whether:
    - 1. The proposed Special Event or a Temporary Use Event, as applicable, can function safely.
    - 2. The use of police and fire resources to support the proposed Special Event or Temporary Use Event, as applicable, shall not deny reasonable police and fire protection to the City.
    - 3. The proposed Special Event or Temporary Use Event, as applicable, shall not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance, another Special Event, another event that has been granted a Temporary Use Event Permit or other activity or activities.
    - 4. The proposed Special Event or Temporary Use Event, as applicable, can provide an adequate traffic control plan for traffic control and parking management and which may require accommodating transportation and parking demand management measures.

5. The location and route plan of the proposed Special Event or Temporary Use Event, as applicable, meets the criteria established in the Special Events Ordinance.
- (k) Conditions authorized and additional permits and licenses.
- The Committee may include in a Special Event Permit or Temporary Use Event Permit, among other provisions:
1. Reasonable terms and/or conditions as to the time, place, and manner of the Special Event or Temporary Use Event Permit, as applicable.
  2. Compliance with health and sanitary regulations, emergency services, and security.
  3. Additional permits and/or licenses as are required to meet the conditions established by the Special Event Permit or Temporary Use Event Permit, as applicable, and/or other City ordinances, including but not limited to City Business Licenses, Building Permits, and county or state code permits.
  4. In order to accommodate other concurrent Special Events or Temporary Use Events, as applicable, the rights of adjacent property owners and the needs of the public to use streets or parks, additional conditions may be imposed on the Applicant which may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed Special Event or Temporary Use Event, as applicable, as well as accommodations for pedestrian and/or vehicular traffic using public right-of-ways and limitations on the duration of the Special Event or Temporary Use Event, as applicable.
- (l) Application and Permit Fees.
1. All Special Events and events that require a Temporary Use Event Permit shall be subject to the payment of all applicable fees set forth in the City of Charleston Special Events Fee Schedule as approved by City Council.
  2. Additional fees may include Department of Parks user fees and deposits enumerated in the Park Permit Fee Structure as set forth in § 22-4(l) of the Code of the City of Charleston ("Park Permit Fees"). Park Permit Fees associated with permit conditions, including but not limited to electrical, security, meter bags or fire permits are in addition to the above Special Events Fee Schedule and are the sole responsibility of the Applicant.
  3. All fees and deposits are due thirty (30) days prior to the date of the Special Event or Temporary Use Event, as applicable. Subject to the City's authority as set forth in §2-188 herein, deposits shall be refunded within fourteen (14) business days following the Special Event or Temporary Use Event, as applicable, if all conditions are followed, and with respect to a Special Event, public property on which the Special Event is held is left in good

condition and without damage. Failure to comply with restrictions and conditions of a Special Events Permit or Temporary Use Event Permit, as applicable, shall cause an automatic forfeiture of the security deposit(s).

4. Subject to the City's authority as set forth in §2-188 herein, refunds for fees and deposits charged pursuant to the Special Events Fee Schedule are refundable (minus the application fee), if the Special Event or Temporary Use Event, as applicable, is canceled after such permit is issued, and written notice is received by the Special Events Committee five (5) business days prior to the date of the Special Event or Temporary Use Event, as applicable.

(m) **Hold Harmless:**

As a condition to the issuance of any Special Events Permit or Temporary Use Event Permit, as applicable, the permittee of a Special Event or Temporary Use Event Permit, as applicable, shall agree to defend, indemnify and hold harmless the City, its officers, employees and agents, for and against any and all suits, claims, damages, costs or liabilities caused by or arising out of any use authorized by the permittee of the Special Event or Temporary Use Event, as applicable.

(n) **Insurance Requirements:**

The permittee of a Special Event or Temporary Use Event, as applicable, shall provide general liability insurance insuring the Special Event or Temporary Use Event, as applicable, and shall name the City as an additional insured on such general liability insurance policy. Certificates of insurance shall be submitted to the City for approval at least fifteen (15) working days prior to the date of the Special Event or Temporary Use Event, as applicable. The following limits of insurance are required per individual occurrence:

1. General Liability of \$1,000,000.
2. Liquor Liability of \$1,000,000, if alcohol is served.

(o) **Promulgation of Procedures.**

The Committee, with the approval of the Mayor and Corporation Counsel, may promulgate procedures for the purpose of implementing the Special Events Ordinance or to carry out other responsibilities as may be required by the Special Events Ordinance or other codes, ordinances of the City or other agencies.

(p) **Requirements for certain City-owned Facilities.**

Events which are exclusively confined within the interior areas of the Old Exchange Building, the Charleston Maritime Center, the historic VRTC Building and the Gaillard Auditorium shall not be required to obtain a Special Events permit provided:

1. Each facility has an annual approved operations plan, which shall include but not limited to acceptable alcohol management and security measures, which is approved by the Committee.
2. Each facility complies with its approved operations plan while hosting events which are exclusively confined within the defined interior areas of such facility.

Notwithstanding the foregoing, events at the VRTC Bush Shed shall require a Special Events Permit.

**Section 2-188. Penalty and Retention of Deposits.**

Any person violating any provision of the Special Events Ordinance shall be subject to the general penalty set forth in §1-16 of the Code of the City of Charleston. In addition, the Special Events Committee shall have the authority to retain deposit(s) in the event a permittee of a Special Event or Temporary Use Event, as applicable, causes the City to incur costs or damage(s) as a result of permittee's Special Event or Temporary Use Event, as applicable, and to pursue any other remedy against a permittee of a Special Event or Temporary Use Event, as applicable, available to the City at law or in equity for a violation of any provision of this Special Events Ordinance.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_, in the Year of Our Lord, 2010, and in the 235th Year of the Independence of the United States of America.

BY: \_\_\_\_\_

Joseph P. Riley, Jr.  
Mayor, City of Charleston

ATTEST:

BY: \_\_\_\_\_

Vanessa Turner-Maybank  
Clerk of Council

## **EXHIBIT A**

### **CITY OF CHARLESTON SPECIAL EVENTS FEE SCHEDULE**

This list was developed as a guide for Special Events and Temporary Use Events Applicants to estimate costs associated with their events. Each event's fees will be calculated according to its location, size, attendance, and City personnel requirements. A non-refundable application fee will be charged based on the fee structure below. Please note that additional fees may be charged for City services.

<b>Event Type</b>	<b>Application Submittal Processing Times</b>	<b>Application Fee Resident</b>	<b>Applica Non-R</b>
<b>Major Event</b> <i>A Special Event which impacts multiple city departments, has 1000 or more people in attendance, and has an impact on any street, right-of-way, and/or a City owned or managed park or facility.</i>	120 Days Prior to the Event	\$75	\$1
<b>Medium Event</b> <i>A Special Event which impacts multiple city departments, has more than 500 but less than 1000 people in attendance, and has an impact on any street, right-of-ways, and/or a City owned or managed park or facility.</i>	90 Days Prior to the Event	\$50	\$10
<b>Small Event</b> <i>A Special Event which impacts multiple city departments, has less than 500 people in attendance, and has an impact on any street, right-of-way, and/or a City owned or managed park or facility or,</i>  <i>A Temporary Use Event.</i>	45 Days Prior to the Event	\$25	\$5   N/A for Temporary Use Events
<b>Commercial Film and Photography Event</b> <i>A movie or television production, commercial or fashion industry photography on public property, including public streets, sidewalks, trails and/or other place. News broadcasts are not considered a Commercial Film/Photographic Activity.</i>	3 Days or 72 hours Prior to the Event	\$25	\$5

Your event may have components that are not listed in the table above. Some of those costs are discussed below.

### **Department of Parks Fees and Deposits**

The Department of Parks collects Refundable Deposits and Non-Refundable Fees which are calculated based on details of the event including location, type of event, hours of use, etc. Please see the tables at the end of this document which provide detailed information on these deposits and fees.

### **Street Closures**

Some events require road closures and this may require parking meters to be covered by cloth bags known as meter bags. For single meters, there is a \$20 deposit and \$10 fee per day for each meter bag. For the double meters, there is a \$40 deposit and a \$20 per day fee for each meter bag.

### **Police Security**

The applicant may be required to hire sworn off-duty City of Charleston Police Officers or hire private security personnel/t-shirt security approved by the Special Events Committee to provide security and ensure public safety. Cost for off-duty City of Charleston Police Officer provided security is a minimum of \$25.00 per hour per officer for a minimum of four hours.

### **Building Inspections – Tent/Fire and Building Permits**

Permits are required for certain tents, canopies, stages, and bleachers based on size and configuration of placement. A permit fee of \$40.00 is required for tent/fire permits and other building permits are based on the valuation of work. Call the City of Charleston Inspections Division for information and instruction at (843) 724-7431 or (843) 724-7433.

### **Business License Tax Information for Vendors**

Persons or Businesses engaged in any “calling, occupation, profession or activity with the object of gain, benefit or advantage, either directly or indirectly” are required to purchase a City of Charleston Business License. Licenses are based on gross income pursuant to SC law. Please note that any business selling prepared foods and beverages is required to collect the City of Charleston’s 2% hospitality tax from patrons purchasing the products and remit the tax to the City of Charleston Revenue Collections Division.

Forms and ordinances for the Business License and Hospitality Tax may be found on the City of Charleston website [www.charlestoncity.info](http://www.charlestoncity.info) under the “where can I find” drop down box. If you have any questions, you may call (843) 724-3711.

**Other**

Persons selling products are also required to have a SC Retail Sales Tax license. Questions regarding the SC Retail License may be directed to the SC Dept. of Revenue at (843) 852-3600.

Person's selling alcoholic beverages should contact the SC Department of Revenue's Alcoholic Licensing Beverage Division to determine if a license is required. Go to [www.sctax.org](http://www.sctax.org) or call (843) 852-3600 locally and in Columbia (803) 898-5864.

Preparation and sale of food requires contacting the SC Department of Health and Environmental Control at (843) 202-7020.



K13  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND CHAPTER 17, SECTIONS 92 AND 101 OF THE CODE OF THE CITY OF CHARLESTON TO INCREASE THE AGE LIMIT FOR A PALMETTO ARTISAN'S PERMIT FROM 16 TO 17 YEARS OF AGE, TO AUTHORIZE THE DENIAL OF A PALMETTO ARTISAN'S PERMIT FOR FIVE OR MORE DOCUMENTED VIOLATIONS OF THE CITY OF CHARLESTON'S YOUTH PALMETTO ART AND BUSINESS PROGRAM, AND TO REQUIRE BI-ANNUAL LICENSING OF PALMETTO ARTISANS. (AS AMENDED).

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

**Section 1.** Chapter 17, Section 92 of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding thereto the following underlined words, as follows:

**"Sec. 17-92. Definitions.**

*Palmetto artisan* shall mean any individual who is enrolled in the City of Charleston's Youth Palmetto Art and Business Program, which program is for youths between the ages of nine (9) and ~~sixteen (16)~~ seventeen (17) and is administered by the recreation department, who are traveling by foot or any type of conveyance, from place to place, house to house, or from street to street, attempting to sell palmetto bud fronds that have been physically altered from their natural state into a palmetto art product."

**Section 2.** Chapter 17, Section 101(2) of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding thereto the following underlined words, as follows:

**"Sec. 17-101. Investigation of palmetto artisan applicant; issuance.**

(a) The chief of police in conjunction with the director of the department of revenue collections shall issue a palmetto artisan's permit within five (5) days as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

- 1) There are no material omissions, untrue or misleading information contained on or omitted from the permit application;

(2) The applicant is between the ages of nine (9) and ~~sixteen~~ seventeen (17);

(3) The applicant has successfully completed the City of Charleston's Youth Palmetto Art and Business Program orientation;

(4) The applicant has five or fewer documented violations of the City of Charleston's Youth Palmetto Art and Business Program during the preceding year.

(45) The applicant has not been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against person or property;

(56) The applicant has not been convicted of any crime or misdemeanor involving moral turpitude;

(67) The applicant does not have an outstanding warrant against them; and

(78) The applicant's parent or guardian has signed the application."

**Section 3.** Chapter 17, Section 103 of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding thereto the following underlined words, as follows:

**"Sec. 17-103. Peddler's permit, charitable soliciting permit, and palmetto artisan's permit--Expiration.**

With the exception of palmetto artisan's permits which shall expire on the thirtieth day of June and the thirty-first day of December, pPeddler's permits and, charitable soliciting permits, and palmetto artisan's permits issued under the provisions of this article shall expire on the thirty-first day of December in the year when issued or on the date specified on the permit, whichever date occurs first."

**Section 4.** This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2010, in the 235<sup>th</sup> Year of Independence of the United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council



LI  
Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO DESIGNATE THE COUNTRY CLUB NEIGHBORHOOD AS AN UNDERGROUND UTILITY DISTRICT FOR NON-STANDARD SERVICE IN ACCORDANCE WITH SECTIONS 30-171 THROUGH 30-177 OF THE CODE OF THE CITY OF CHARLESTON, SAID DISTRICT BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, AND BEING MORE FULLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

BE IT ORDAINED BY THE COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED.

## Findings:

WHEREAS, the City of Charleston entered into a Franchise Agreement with South Carolina Electric & Gas Company on July 16, 1996, for the provision of electric service in the City of Charleston, *inter alia*, and which was ratified by Ordinance Number 1996-113 ("Ordinance"); and

WHEREAS, Section 10 of the Ordinance provided for the establishment of a non-standard service fund (the "Fund") from which certain non-standard service expenses could be funded; and

WHEREAS, Section 10 of the Ordinance contemplated the use of the Fund to pay for a portion of the underground wiring cost for existing neighborhoods desiring to have their above-ground utility lines placed underground; and

WHEREAS, City Council established a procedure by which existing neighborhoods could request that their above-ground utility lines be placed underground through the designation of an underground utility district for non-standard service and utilize the Fund to pay a portion of the cost thereof, said process being codified by Ordinance Number 2001-109 and the establishment of Section 30-171 of the Code of the City of Charleston; and

WHEREAS, pursuant to Section 30-171 of the Code of the City of Charleston, on \_\_\_\_\_, The Country Club Neighborhood petitioned

City Council by its submittal of the First Petition and requested that the Country Club Neighborhood become designated as an underground utility district for non-standard service; and

WHEREAS, on \_\_\_\_\_, the City of Charleston received the necessary easements and Second Petition from The Country Club Neighborhood as required by Section 30-171 of the Code of the City of Charleston to become eligible for designation as an underground utility district for non-standard service, subject to City Council approval; and

WHEREAS, City Council finds that The Country Club Neighborhood has met all of the requirements of Section 30-171 of the Code of the City of Charleston to be designated as an underground utility district for non-standard service, provided all other requirements of Sections 30-171 through 30-177 of the Code of the City of Charleston are satisfied.

Section 1. The Country Club Neighborhood is hereby designated as an underground utility district for non-standard service, said district being more fully described in Exhibit A, attached hereto and incorporated by reference herein provided all requirements of Sections 30-171 through 30-177 of the Code of the City of Charleston are satisfied.

Section 2. City Council authorizes the expenditure for non-standard service to The Country Club Neighborhood from the Fund for the purpose of providing SCE&G and the City's portion of the funding for Headquarters Island Plantation Neighborhood underground utility district for non-standard service as more fully set forth in Exhibit A.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2010, and in the 235<sup>th</sup> Year of the Independence of the United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

ATTEST:

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Vanessa Turner-Maybank  
Clerk of Council